



# House of Representatives

General Assembly

**File No. 437**

*January Session, 2007*

Substitute House Bill No. 7361

*House of Representatives, April 11, 2007*

The Committee on Human Services reported through REP. VILLANO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT PROGRAM COMPLIANCE AND IMPROVEMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-77 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 Application for aid under the state supplement program, medical  
4 assistance program, temporary family assistance program and food  
5 stamps program, shall be made to the Commissioner of Social Services.  
6 The name and address of each such applicant shall be recorded with  
7 the commissioner. Such application, in the case of temporary family  
8 assistance, shall be made by the supervising relative, his authorized  
9 representative, or, in the case of an individual who is incapacitated,  
10 someone acting responsibly for him and shall contain the name and  
11 the exact residence of such applicant, the name, place and date of birth  
12 of each dependent child, the Social Security number of the supervising  
13 relative and of each dependent child, and such other information as is  
14 required by the commissioner. If such supervising relative or any such

15 child does not have a Social Security number, the commissioner shall  
16 assist in obtaining a Social Security number for each such person  
17 seeking public assistance and during the time required to obtain such  
18 Social Security numbers the supervising relative and children shall not  
19 be precluded from eligibility under this section. By such application,  
20 the applicant shall assign to the commissioner the right of support,  
21 present, past and future, due all persons seeking assistance and shall  
22 assist the commissioner in pursuing support obligations due from the  
23 [absent] noncustodial parent. On and after October 1, 2008, such  
24 assignment under the temporary family assistance program shall  
25 apply only to such support rights as accrue during the period of  
26 assistance, not to exceed the total amount of assistance provided to the  
27 family under said program. Notice of such assignment shall be  
28 conspicuously placed on said application and shall be explained to the  
29 applicant at the time of application. All information required to be  
30 provided to the commissioner as a condition of such eligibility under  
31 federal law shall be so provided by the applicant, provided, no person  
32 shall be determined to be ineligible if the applicant has good cause for  
33 the refusal to provide information concerning the [absent]  
34 noncustodial parent or if the provision of such information would be  
35 against the best interests of the dependent child or children, or any of  
36 them. The Commissioner of Social Services shall adopt by regulation,  
37 in accordance with chapter 54, standards as to good cause and best  
38 interests of the child. Any person aggrieved by a decision of the  
39 commissioner as to the determination of good cause or the best  
40 interests of such child or children may request a fair hearing in  
41 accordance with the provisions of sections 17b-60 and 17b-61. All  
42 statements made by the applicant concerning income, resources and  
43 any other matters pertaining to eligibility shall be certified to by the  
44 applicant as true and correct under penalty of false statement, and for  
45 any such certified statement which is untrue or incorrect such  
46 applicant shall be subject to the penalties provided for false statement  
47 under section 17b-97.

48 Sec. 2. Subsection (h) of section 17b-179 of the general statutes is  
49 repealed and the following is substituted in lieu thereof (*Effective*

50    *October 1, 2007*):

51        (h) (1) The Connecticut Child Support Enforcement Bureau shall  
52    provide, or arrange to provide through one or more of the state offices,  
53    departments and agencies the same services for obtaining and  
54    enforcing child support orders in cases in which children are not  
55    beneficiaries of TANF as in cases where children are the beneficiaries  
56    of such aid. Such services shall also be made available to residents of  
57    other states on the same terms as to residents of this state. Support  
58    services in non-TANF support cases will be provided upon application  
59    to the Connecticut Bureau of Child Support Enforcement by the person  
60    seeking to enforce a child support obligation and the payment of an  
61    application fee, pursuant to the provisions of subsection (i) of this  
62    section.

63        (2) In addition to the application fee, the Connecticut Child Support  
64    Enforcement Bureau may assess costs incurred for the establishment,  
65    enforcement or modification of a support order in non-TANF cases.  
66    Such assessment shall be based on a fee schedule adopted by the  
67    Department of Social Services pursuant to chapter 54. The fee schedule  
68    to be charged in non-TANF support cases shall be made available to  
69    any individual upon request. The Child Support Enforcement Bureau  
70    shall adopt procedures for the notification of Superior Court judges  
71    and family support magistrates when a fee has been assessed an  
72    obligee for support services and a Superior Court judge or a family  
73    support magistrate shall order the obligor to pay any such assessment  
74    to the Child Support Enforcement Bureau. In cases where such order is  
75    not entered, the obligee shall pay an amount based on a sliding scale  
76    not to exceed the obligee's ability to pay. The Department of Social  
77    Services shall adopt such sliding scale pursuant to chapter 54.

78        (3) The Connecticut Child Support Enforcement Bureau shall also,  
79    in the case of an individual who never received temporary assistance  
80    for needy families and for whom the state has collected at least five  
81    hundred dollars of support in a one-year period, impose an annual fee  
82    of twenty-five dollars for each case in which services are furnished.

83 The annual fee shall be (A) retained by the state from the support  
84 collected on behalf of the individual, but not from the first five  
85 hundred dollars collected, (B) paid by the individual applying for the  
86 services, (C) recovered from the noncustodial parent, or (D) paid by  
87 the state.

88 Sec. 3. Subparagraph (A) of subdivision (2) of subsection (a) of  
89 section 17b-745 of the general statutes is repealed and the following is  
90 substituted in lieu thereof (*Effective October 1, 2007*):

91 (2) (A) The court or family support magistrate shall include in each  
92 support order in a IV-D support case a provision for the health care  
93 coverage of the child. [which] Such provision may include an order for  
94 either parent or both parents to provide such coverage under any or all  
95 of clauses (i), (ii) or (iii) of this subparagraph.

96 (i) The provision for healthcare coverage may include an order for  
97 either parent to name any child as a beneficiary of any medical or  
98 dental insurance or benefit plan carried by such parent or available to  
99 such parent [on a group basis through an employer or a union. Any  
100 such employment-based order] at a reasonable cost, as defined in  
101 clause (iv) of this subparagraph. If such order requires the parent to  
102 maintain insurance available through an employer, the order shall be  
103 enforced using a National Medical Support Notice as provided in  
104 section 46b-88, as amended by this act.

105 (ii) If [such] insurance coverage as described in clause (i) of this  
106 subparagraph is unavailable at reasonable cost to the parent obligated  
107 to maintain the insurance, or inaccessible to the child, the provision for  
108 health care coverage may include an order for either parent to: [apply]  
109 (I) Apply for and maintain coverage on behalf of the child under the  
110 HUSKY Plan, Part B; [. The noncustodial parent shall be ordered to  
111 apply for the HUSKY Plan, Part B only if such parent is found to have  
112 sufficient ability to pay the appropriate premium. In any IV-D support  
113 case in which the noncustodial parent is found to have insufficient  
114 ability to provide medical insurance coverage and the custodial party  
115 is the HUSKY Plan, Part A or Part B applicant, the provision for health

116 care coverage may include an order for the noncustodial parent to pay  
117 such amount as is specified by the court or family support magistrate]  
118 or (II) provide cash medical support, as defined in clause (v) of this  
119 subparagraph. An order under this clause shall be made only if the  
120 cost to the parent obligated to maintain the insurance is reasonable as  
121 described in clause (iv) of this subparagraph.

122 (iii) An order for payment of the child's medical and dental  
123 expenses that are not covered by insurance or reimbursed in any other  
124 manner shall be entered in accordance with the child support  
125 guidelines established pursuant to section 46b-215a.

126 (iv) Health care coverage shall be deemed reasonable in cost if: (I)  
127 The parent obligated to maintain the insurance would qualify as a low-  
128 income obligor under the child support guidelines established  
129 pursuant to section 46b-215a, based solely on such parent's income,  
130 and the cost does not exceed five per cent of such parent's gross  
131 income; or (II) the parent obligated to maintain the insurance would  
132 not qualify as a low-income obligor under such guidelines and the cost  
133 does not exceed seven and one-half per cent of such parent's gross  
134 income.

135 (v) Cash medical support means an amount ordered to be paid  
136 toward the cost of health insurance provided by a public entity,  
137 including the HUSKY Plan, Part A or Part B, or by another parent  
138 through employment or otherwise, or for other medical costs not  
139 covered by insurance, except as provided in clause (iii) of this  
140 subparagraph. Cash medical support may be ordered in lieu of an  
141 order under clause (i) of this subparagraph to be effective until such  
142 time as health insurance that is accessible to the child and reasonable  
143 in cost becomes available, or in addition to such order, provided the  
144 combined cost of insurance and cash medical support is reasonable.  
145 An order for cash medical support shall be payable to the state or the  
146 custodial party, as their interests may appear. [,] Cash medical support  
147 to offset the cost of any insurance payable under the HUSKY Plan, Part  
148 A or Part B, [unless the] shall not be ordered against a noncustodial

149 parent who is a low-income obligor, as defined in the child support  
150 guidelines established pursuant to section 46b-215a.

151 Sec. 4. Subparagraph (A) of subdivision (7) of subsection (a) of  
152 section 17b-745 of the general statutes is repealed and the following is  
153 substituted in lieu thereof (*Effective October 1, 2007*):

154 (7) (A) Proceedings to obtain orders of support under this section  
155 shall be commenced by the service on the liable person or persons of a  
156 verified petition of the Commissioner of Administrative Services, the  
157 Commissioner of Social Services or their designees. The verified  
158 petition shall be filed by any of said commissioners or their designees  
159 in the judicial district of the court or Family Support Magistrate  
160 Division in which the patient, applicant, beneficiary, recipient or the  
161 defendant resides. The judge or family support magistrate shall cause  
162 a summons, signed by such judge or magistrate, by the clerk of said  
163 court, or by a commissioner of the Superior Court to be issued,  
164 requiring such liable person or persons to appear before the court or a  
165 family support magistrate at a time and place as determined by the  
166 clerk but not more than ninety days after the issuance of the summons  
167 to show cause, if any, why the request for relief in such petition should  
168 not be granted. [The] In other than IV-D support cases, the verified  
169 petition, summons and order shall be on forms prescribed by the  
170 Office of the Chief Court Administrator.

171 Sec. 5. Subsection (e) of section 38a-497a of the general statutes is  
172 repealed and the following is substituted in lieu thereof (*Effective*  
173 *October 1, 2007*):

174 (e) If a parent is required by a court or an administrative order to  
175 provide health coverage for a child and the parent is eligible for family  
176 health coverage through an employer doing business in the state, such  
177 employer shall permit such parent to enroll such child under such  
178 coverage without regard to any open enrollment restrictions. If a  
179 parent is enrolled but fails to make application to obtain coverage of a  
180 child, the employer shall enroll such child under health care coverage  
181 upon application by the child's other parent or by the Commissioner of

182 Social Services, or his designee, when such child is eligible under the  
183 Medicaid program or is receiving child support enforcement services  
184 pursuant to Title IV-D of the Social Security Act. A NMSN shall  
185 constitute an application for health care coverage by the issuing  
186 agency. If a noncustodial parent in a IV-D case provides such coverage  
187 and changes employment, and the new employer provides health care  
188 coverage, the IV-D agency or an agency under cooperative agreement  
189 therewith shall transfer notice of the provision for health care coverage  
190 to such new employer, as provided in section 46b-88, as amended by  
191 this act. [The notice] A NMSN shall operate to enroll the child in the  
192 [noncustodial] parent's health care plan if that portion of the [obligor's]  
193 parent's income which is subject to withholding pursuant to subsection  
194 (e) of section 52-362, as amended by this act, is sufficient to cover both  
195 the current support order and health care coverage. At the time notice  
196 is transferred to the employer, the IV-D agency, or an agency under  
197 cooperative agreement therewith, shall also cause a copy of the notice  
198 of such transfer of health care coverage to be delivered to [the obligor  
199 and to the custodial] each parent. [The noncustodial] A parent may  
200 contest such notice by filing a motion for modification with the family  
201 support magistrate. An employer, subject to the provisions of this  
202 section, shall not disenroll or eliminate coverage of any such child  
203 unless the employer is provided satisfactory written evidence that: (1)  
204 A court or an administrative order for health care coverage is no  
205 longer in effect; (2) the child is or shall be enrolled in comparable  
206 health care coverage which shall take effect not later than the effective  
207 date of such disenrollment or elimination; or (3) the employer has  
208 eliminated family health care coverage for all of its employees.

209 Sec. 6. Subsection (b) of section 46b-84 of the general statutes is  
210 repealed and the following is substituted in lieu thereof (*Effective*  
211 *October 1, 2007*):

212 (b) If there is an unmarried child of the marriage who has attained  
213 the age of eighteen [,] and is a full-time high school student, [and  
214 resides with a parent,] the parents shall maintain the child according to  
215 their respective abilities if the child is in need of maintenance until

216 [such time as] such child completes the twelfth grade or attains the age  
217 of nineteen, whichever [first] occurs first. The provisions of this  
218 subsection shall apply only in cases where the decree of dissolution of  
219 marriage, legal separation or annulment is entered on or after July 1,  
220 1994.

221 Sec. 7. Subsection (f) of section 46b-84 of the general statutes is  
222 repealed and the following is substituted in lieu thereof (*Effective*  
223 *October 1, 2007*):

224 (f) (1) After the granting of a decree annulling or dissolving the  
225 marriage or ordering a legal separation, and upon complaint or motion  
226 with order and summons made to the Superior Court by either parent  
227 or by the Commissioner of Administrative Services in any case arising  
228 under subsection (a) or (b) of this section, as amended by this act, the  
229 court shall inquire into the child's need of maintenance and the  
230 respective abilities of the parents to supply maintenance. The court  
231 shall make and enforce the decree for the maintenance of the child as it  
232 considers just, and may direct security to be given therefor, including  
233 an order to either party to contract with a third party for periodic  
234 payments or payments contingent on a life to the other party. The  
235 court may order that a party obtain life insurance as such security  
236 unless such party proves, by a preponderance of the evidence, that  
237 such insurance is not available to such party, such party is unable to  
238 pay the cost of such insurance or such party is uninsurable.

239 (2) The court shall include in each support order a provision for the  
240 health care coverage of the child [which provision may include an  
241 order for either parent to name any child] who is subject to the  
242 provisions of subsection (a) or (b) of this section. Such provision may  
243 include an order for either parent or both parents to provide such  
244 coverage under any or all of subparagraphs (A), (B) or (C) of this  
245 subdivision.

246 (A) The provision for health care coverage may include an order for  
247 either parent to name any child as a beneficiary of any medical or  
248 dental insurance or benefit plan carried by such parent or available to

249 such parent [on a group basis through an employer or a union. Any  
250 such employment-based order] at a reasonable cost, as described in  
251 subparagraph (D) of this subdivision. If such order in a IV-D support  
252 case requires the parent to maintain insurance available through an  
253 employer, the order shall be enforced using a National Medical  
254 Support Notice as provided in section 46b-88, as amended by this act.

255 (B) If [such] insurance coverage in accordance with subparagraph  
256 (A) of this subdivision is unavailable at reasonable cost to the parent  
257 obligated to maintain the insurance, or inaccessible to the child, the  
258 provision for health care coverage may include an order for either  
259 parent to: [apply] (i) Apply for and maintain coverage on behalf of the  
260 child under the HUSKY Plan, Part B; [. The noncustodial parent shall  
261 be ordered to apply for the HUSKY Plan, Part B only if such parent is  
262 found to have sufficient ability to pay the appropriate premium. In any  
263 IV-D support case in which the noncustodial parent is found to have  
264 insufficient ability to provide medical insurance coverage and the  
265 custodial party is the HUSKY Plan, Part A or Part B applicant, the  
266 provision for health care coverage may include an order for the  
267 noncustodial parent to pay such amount as is specified by the court or  
268 family support magistrate] or (ii) provide cash medical support, as  
269 defined in subparagraph (E) of this subdivision. An order under this  
270 subparagraph shall be made only if the cost to the parent obligated to  
271 maintain the insurance is reasonable, as defined in subparagraph (D)  
272 of this subdivision.

273 (C) An order for payment of the child's medical and dental expenses  
274 that are not covered by insurance or reimbursed in any other manner  
275 shall be entered in accordance with the child support guidelines  
276 established pursuant to section 46b-215a.

277 (D) Health care coverage shall be deemed reasonable in cost if: (i)  
278 The parent obligated to maintain the insurance would qualify as a low-  
279 income obligor under the child support guidelines established  
280 pursuant to section 46b-215a, based solely on such parent's income,  
281 and the cost does not exceed five per cent of such parent's gross

282 income; or (ii) the parent obligated to maintain insurance would not  
283 qualify as a low-income obligor under such guidelines and the cost  
284 does not exceed seven and one-half per cent of such parent's gross  
285 income.

286 (E) Cash medical support means an amount ordered to be paid  
287 toward the cost of health insurance provided by a public entity,  
288 including the HUSKY Plan, Part A or Part B, or by another parent  
289 through employment or otherwise, or for other medical costs not  
290 covered by insurance, except as provided in subparagraph (C) of this  
291 subdivision. Cash medical support may be ordered in lieu of an order  
292 under subparagraph (A) of this subdivision to be effective until such  
293 time as health insurance that is accessible to the child and reasonable  
294 in cost becomes available, or in addition to such order, provided the  
295 combined cost of insurance and cash medical support is reasonable.  
296 An order for cash medical support shall be payable to the state or the  
297 custodial party, as their interests may appear. [.] Cash medical support  
298 to offset the cost of any insurance payable under the HUSKY Plan, Part  
299 A or Part B, [unless the] shall not be ordered against a noncustodial  
300 parent who is a low-income obligor, as defined in the child support  
301 guidelines established pursuant to section 46b-215a.

302 Sec. 8. Subdivision (1) of subsection (b) of section 46b-88 of the  
303 general statutes is repealed and the following is substituted in lieu  
304 thereof (*Effective October 1, 2007*):

305 (b) (1) Whenever a court or family support magistrate enters a  
306 support order in a Title IV-D support case, as defined in subsection (b)  
307 of section 46b-231, as amended by this act, that requires a noncustodial  
308 parent to provide employment-based health care coverage for a child,  
309 and the noncustodial parent's employer is known to the issuing  
310 agency, such agency shall enforce the health care coverage provisions  
311 of the order through the use of a NMSN. The issuing agency may also  
312 use the NMSN to enforce provisions of the support order requiring the  
313 custodial parent to provide employment-based health coverage for the  
314 child.

315 Sec. 9. Subsection (d) of section 46b-88 of the general statutes is  
316 repealed and the following is substituted in lieu thereof (*Effective*  
317 *October 1, 2007*):

318 (d) The NMSN shall inform the employer of the duration of the  
319 withholding requirement, of any limitations on withholding  
320 prescribed by federal or state law, and of any withholding priorities  
321 that apply when available income is insufficient to satisfy all cash and  
322 medical support obligations. A withholding for medical support  
323 obligations shall take priority over all support obligations other than  
324 current child and spousal support. The employer shall notify the  
325 issuing agency when any such withholding limitations or priorities  
326 prevent the employer from withholding the amount required to obtain  
327 coverage under the group health plan for which the child is otherwise  
328 eligible.

329 Sec. 10. Subsection (a) of section 46b-160 of the general statutes is  
330 repealed and the following is substituted in lieu thereof (*Effective*  
331 *October 1, 2007*):

332 (a) (1) (A) Proceedings to establish paternity of a child born or  
333 conceived out of lawful wedlock, including one born to, or conceived  
334 by, a married woman but begotten by a man other than her husband,  
335 shall be commenced by the service on the putative father of a verified  
336 petition of the mother or expectant mother. Such petition may be  
337 brought at any time prior to the child's eighteenth birthday, provided  
338 liability for past support shall be limited to the three years next  
339 preceding the date of the filing of any such petition.

340 (B) In cases involving public assistance recipients, the petition shall  
341 also be served upon the Attorney General who shall be and remain a  
342 party to any paternity proceeding and to any proceedings after  
343 judgment in such action.

344 (2) The verified petition, summons and order shall be filed in the  
345 superior court for the judicial district in which either she or the  
346 putative father resides, except that in IV-D support cases, as defined in

347 subdivision (13) of subsection (b) of section 46b-231, as amended by  
348 this act, and in petitions brought under sections 46b-212 to [46b-213v]  
349 46b-213w, inclusive, as amended by this act, such petition shall be filed  
350 with the clerk for the Family Support Magistrate Division serving the  
351 judicial district where either she or the putative father resides. [In cases  
352 involving public assistance recipients the petition shall also be served  
353 upon the Attorney General who shall be and remain a party to any  
354 paternity proceeding and to any proceedings after judgment in such  
355 action.] Such petition, summons, and order, in other than IV-D support  
356 cases, shall be on forms prescribed by the Office of the Chief Court  
357 Administrator.

358 (3) (A) The court or any judge, or family support magistrate,  
359 assigned to said court shall cause a summons, signed by such judge or  
360 magistrate, by the clerk of said court, or by a commissioner of the  
361 Superior Court to be issued, requiring the putative father to appear in  
362 court at a time and place as determined by the clerk but not more than  
363 ninety days after the issuance of the summons to show cause why the  
364 request for relief in such petition should not be granted.

365 (B) A state marshal, proper officer or investigator shall make due  
366 [returns] return of process to the court not less than twenty-one days  
367 before the date assigned for hearing. [Such petition, summons and  
368 order shall be on forms prescribed by the Office of the Chief Court  
369 Administrator.] In the case of a child or expectant mother being  
370 supported wholly or in part by the state, service of such petition may  
371 be made by any investigator employed by the Department of Social  
372 Services and any proper officer authorized by law. [Such petition may  
373 be brought at any time prior to the child's eighteenth birthday,  
374 provided liability for past support shall be limited to the three years  
375 next preceding the date of the filing of any such petition.]

376 (4) If the putative father fails to appear in court at such time and  
377 place, the court or family support magistrate shall hear the petitioner  
378 and, upon a finding that process was served on the putative father,  
379 shall enter a default judgment of paternity against such father and

380 such other orders as the facts may warrant. Such court or family  
381 support magistrate may order continuance of such hearing; and if such  
382 mother or expectant mother continues constant in her accusation, it  
383 shall be evidence that the respondent is the father of such child. The  
384 court or family support magistrate shall, upon motion by a party, issue  
385 an order for temporary support of the child by the respondent pending  
386 a final judgment of the issue of paternity if such court or magistrate  
387 finds that there is clear and convincing evidence of paternity which  
388 evidence shall include, but not be limited to, genetic test results  
389 indicating a ninety-nine per cent or greater probability that such  
390 respondent is the father of the child.

391 Sec. 11. Subdivision (2) of subsection (a) of section 46b-171 of the  
392 general statutes is repealed and the following is substituted in lieu  
393 thereof (*Effective October 1, 2007*):

394 (2) In addition, the court or family support magistrate shall include  
395 in each support order in a IV-D support case a provision for the health  
396 care coverage of the child, [which] Such provision may include an  
397 order for either parent or both parents to provide such coverage under  
398 any or all of subparagraphs (A), (B) or (C) of this subdivision.

399 (A) The provision for health care coverage may include an order for  
400 either parent to name any child as a beneficiary of any medical or  
401 dental insurance or benefit plan carried by such parent or available to  
402 such parent [on a group basis through an employer or union. Any such  
403 employment-based order] at a reasonable cost as described in  
404 subparagraph (D) of this subdivision. If such order requires the parent  
405 to maintain insurance available through an employer, the order shall  
406 be enforced using a National Medical Support Notice as provided in  
407 section 46b-88, as amended by this act.

408 (B) If [such] insurance coverage in accordance with subparagraph  
409 (A) is unavailable at reasonable cost to the parent obligated to  
410 maintain the insurance, or inaccessible to the child, the provision for  
411 health care coverage may include an order for either parent to: [apply]  
412 (i) Apply for and maintain coverage on behalf of the child under the

413 HUSKY Plan, Part B; [. The noncustodial parent shall be ordered to  
414 apply for the HUSKY Plan, Part B only if such parent is found to have  
415 sufficient ability to pay the appropriate premium. In any IV-D support  
416 case in which the noncustodial parent is found to have insufficient  
417 ability to provide medical insurance coverage and the custodial party  
418 is the HUSKY Plan, Part A or Part B applicant, the provision for health  
419 care coverage may include an order for the noncustodial parent to pay  
420 such amount as is specified by the court or family support magistrate]  
421 (ii) provide cash medical support, as defined in subparagraph (E) of  
422 this subdivision. An order under this subparagraph shall be made only  
423 if the cost to the parent obligated to maintain the insurance is  
424 reasonable, as described in subparagraph (D) of this subdivision.

425 (C) An order for payment of the child's medical and dental expenses  
426 that are not covered by insurance or reimbursed in any other manner  
427 shall be entered in accordance with the child support guidelines  
428 established pursuant to section 46b-215a.

429 (D) Health care coverage shall be deemed reasonable in cost if: (i)  
430 The parent obligated to maintain the insurance would qualify as a low-  
431 income obligor under the child support guidelines established  
432 pursuant to section 46b-215a, based solely on such parent's income,  
433 and the cost does not exceed five per cent of such parent's gross  
434 income; or (ii) the parent obligated to maintain insurance would not  
435 qualify as a low-income obligor under such guidelines and the cost  
436 does not exceed seven and one-half per cent of such parent's gross  
437 income.

438 (E) Cash medical support means an amount ordered to be paid  
439 toward the cost of health insurance provided by a public entity,  
440 including the HUSKY Plan, Part A or Part B, or by another parent  
441 through employment or otherwise, or for other medical costs not  
442 covered by insurance, except as provided in subparagraph (C) of this  
443 subdivision. Cash medical support may be ordered in lieu of an order  
444 under subparagraph (A) of this subdivision to be effective until such  
445 time as health insurance that is accessible to the child and reasonable

446 in cost becomes available, or in addition to such order, provided the  
447 combined cost of insurance and cash medical support is reasonable.  
448 An order for cash medical support shall be payable to the state or the  
449 custodial party, as their interests may appear. [.] Cash medical support  
450 to offset the cost of any insurance payable under the HUSKY Plan, Part  
451 A or Part B, [unless the] shall not be ordered against a noncustodial  
452 parent who is a low-income obligor, as defined in the child support  
453 guidelines established pursuant to section 46b-215a.

454 Sec. 12. Subdivision (4) of subsection (b) of section 46b-172 of the  
455 general statutes is repealed and the following is substituted in lieu  
456 thereof (*Effective October 1, 2007*):

457 (4) Such written agreements to support shall be [on forms  
458 prescribed by the Office of the Chief Court Administrator and shall be]  
459 sworn to, [and shall be] binding on the person executing the same  
460 whether he is an adult or a minor, and in other than IV-D support  
461 cases, on forms prescribed by the Office of the Chief Court  
462 Administrator.

463 Sec. 13. Subdivision (3) of subsection (c) of section 46b-172 of the  
464 general statutes is repealed and the following is substituted in lieu  
465 thereof (*Effective October 1, 2007*):

466 (3) The application, summons and order, in other than IV-D support  
467 cases, shall be on forms prescribed by the Office of the Chief Court  
468 Administrator. Proceedings to obtain such orders of support shall be  
469 commenced by the service of such summons on the acknowledged  
470 father. A state marshal or proper officer shall make due return of  
471 process to the court not less than twenty-one days before the date  
472 assigned for hearing.

473 Sec. 14. Section 46b-212 of the general statutes is repealed and the  
474 following is substituted in lieu thereof (*Effective January 1, 2008*):

475 Sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by  
476 this act, may be cited as the Uniform Interstate Family Support Act.

477 Sec. 15. Section 46b-212a of the general statutes is repealed and the  
478 following is substituted in lieu thereof (*Effective January 1, 2008*):

479 As used in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as  
480 amended by this act:

481 (1) "Child" means an individual, whether over or under the age of  
482 majority, who is or is alleged to be owed a duty of support by the  
483 individual's parent or who is or is alleged to be the beneficiary of a  
484 support order directed to the parent.

485 (2) "Child support order" means a support order for a child,  
486 including a child who has attained the age of majority under the law of  
487 the issuing state.

488 (3) "Duty of support" means an obligation imposed or imposable by  
489 law to provide support for a child, spouse or former spouse, including  
490 an unsatisfied obligation to provide support.

491 (4) "Governor" means an individual performing the functions of  
492 Governor or the executive authority of a state covered by sections 46b-  
493 212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

494 (5) "Home state" means the state in which a child lived with a parent  
495 or a person acting as parent for at least six consecutive months  
496 immediately preceding the time of filing of a petition or comparable  
497 pleading for support and, if such child is less than six months old, the  
498 state in which such child lived from birth with such parent or person  
499 acting as parent. A period of temporary absence of such parent or  
500 person acting as parent is counted as part of the six-month or other  
501 period.

502 (6) "Income" includes earnings or other periodic entitlements to  
503 money from any source and any other property subject to withholding  
504 for support under the laws of this state.

505 (7) "Income withholding order" means an order or other legal  
506 process directed to an obligor's employer, as defined in section 52-362,

507 as amended by this act, to withhold support from the income of the  
508 obligor.

509 (8) "Initiating state" means a state from which a proceeding is  
510 forwarded or in which a proceeding is filed for forwarding to a  
511 responding state under sections 46b-212 to [46b-213v] 46b-213w,  
512 inclusive, as amended by this act, or a law or procedure substantially  
513 similar to said sections. [, the Uniform Reciprocal Enforcement of  
514 Support Act or the Revised Uniform Reciprocal Enforcement of  
515 Support Act.]

516 (9) "Initiating tribunal" means the authorized tribunal in an  
517 initiating state.

518 (10) "Issuing state" means the state in which a tribunal issues a  
519 support order or renders a judgment determining paternity.

520 (11) "Issuing tribunal" means the tribunal [which] that issues a  
521 support order or renders a judgment determining paternity.

522 (12) "Law" includes decisional and statutory law and rules and  
523 regulations having the force of law.

524 (13) "Obligee" means: (A) An individual to whom a duty of support  
525 is or is alleged to be owed or in whose favor a support order has been  
526 issued or a judgment determining paternity has been rendered; (B) a  
527 state or political subdivision to which the rights under a duty of  
528 support or support order have been assigned or which has  
529 independent claims based on financial assistance provided to an  
530 individual obligee; or (C) an individual seeking a judgment  
531 determining paternity of the individual's child.

532 (14) "Obligor" means an individual, or the estate of a decedent: (A)  
533 Who owes or is alleged to owe a duty of support; (B) who is alleged  
534 but has not been adjudicated to be a parent of a child; or (C) who is  
535 liable under a support order.

536 (15) "Person" means an individual, corporation, business trust,

537 estate, trust, partnership, limited liability company, association, joint  
538 venture, government, governmental subdivision, agency, or  
539 instrumentality, public corporation, or any other legal or commercial  
540 entity.

541 (16) "Record" means information that is inscribed on a tangible  
542 medium or that is stored in an electronic or other medium and is  
543 retrievable in perceivable form.

544 ~~[(15)]~~ (17) "Register" means to file a support order or judgment  
545 determining paternity in the registry of support orders of the Family  
546 Support Magistrate Division of the Superior Court. Such a support  
547 order or judgment shall be filed by delivery of the order or judgment  
548 for filing to Support Enforcement Services of the Superior Court which  
549 shall maintain the registry on behalf of the Family Support Magistrate  
550 Division.

551 ~~[(16)]~~ (18) "Registering tribunal" means a tribunal in which a  
552 support order is registered.

553 ~~[(17)]~~ (19) "Responding state" means a state in which a proceeding is  
554 filed or to which a proceeding is forwarded for filing from an initiating  
555 state under sections 46b-212 to [46b-213v] ~~46b-213w~~, inclusive, as  
556 amended by this act, or a law or procedure substantially similar to said  
557 sections. [, the Uniform Reciprocal Enforcement of Support Act or the  
558 Revised Uniform Reciprocal Enforcement of Support Act.]

559 ~~[(18)]~~ (20) "Responding tribunal" means the authorized tribunal in a  
560 responding state.

561 ~~[(19) "Spousal-support"]~~ (21) "Spousal support order" means a  
562 support order for a spouse or former spouse of the obligor.

563 ~~[(20)]~~ (22) "State" means a state of the United States, the District of  
564 Columbia, Puerto Rico, the U.S. Virgin Islands or any territory or  
565 insular possession subject to the jurisdiction of the United States. [The  
566 term "state"] "State" includes: [an] (A) An Indian tribe, and (B) a foreign  
567 [jurisdiction] country or political subdivision that: (i) Has been

568 declared to be a foreign reciprocating country or political subdivision  
569 under federal law; (ii) has established a reciprocal arrangement for  
570 child support with this state; or (iii) has enacted a law or established  
571 procedures for issuance and enforcement of support orders which are  
572 substantially similar to the procedure under sections 46b-212 to [46b-  
573 213v] 46b-213w, inclusive, as amended by this act. [the Uniform  
574 Reciprocal Enforcement of Support Act or the Revised Uniform  
575 Enforcement of Support Act.]

576 [(21)] (23) "Support enforcement agency" means a public official or  
577 agency authorized to seek: (A) Enforcement of support orders or laws  
578 relating to the duty of support; (B) establishment or modification of  
579 child support; (C) determination of paternity; [or] (D) the location of  
580 obligors or their assets; or (E) determination of the controlling child  
581 support order.

582 [(22)] (24) "Support order" means a judgment, decree, [or] order [.]  
583 or directive whether temporary, final or subject to modification, issued  
584 by a tribunal for the benefit of a child, a spouse or a former spouse,  
585 which provides for monetary support, health care, arrearages or  
586 reimbursement, and may include related costs and fees, interest,  
587 income withholding, attorney's fees and other relief.

588 [(23)] (25) "Tribunal" means a court, administrative agency or quasi-  
589 judicial entity authorized to establish, enforce or modify support  
590 orders or to determine paternity.

591 Sec. 16. Section 46b-212b of the general statutes is repealed and the  
592 following is substituted in lieu thereof (*Effective January 1, 2008*):

593 The Superior Court and the Family Support Magistrate Division of  
594 the Superior Court are the tribunals of this state. The Family Support  
595 Magistrate Division is the tribunal for the filing of petitions under  
596 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this  
597 act, provided clerical, administrative and other nonjudicial functions in  
598 proceedings before the Family Support Magistrate Division may be  
599 performed by Support Enforcement Services of the Superior Court.

600 Sec. 17. Section 46b-212c of the general statutes is repealed and the  
601 following is substituted in lieu thereof (*Effective January 1, 2008*):

602 (a) Remedies provided by sections 46b-212 to [46b-213v] 46b-213w,  
603 inclusive, as amended by this act, are cumulative and do not affect the  
604 availability of remedies under any other law, including the recognition  
605 of a support order of a foreign country or political subdivision on the  
606 basis of comity.

607 (b) Sections 46b-212 to 46b-213w, inclusive, as amended by this act,  
608 do not: (1) Provide the exclusive method of establishing or enforcing a  
609 support order under the laws of this state; or (2) grant a tribunal of this  
610 state jurisdiction to render judgment or issue an order relating to child  
611 custody or visitation in a proceeding under sections 46b-212 to 46b-  
612 213w, inclusive, as amended by this act.

613 Sec. 18. Section 46b-212d of the general statutes is repealed and the  
614 following is substituted in lieu thereof (*Effective January 1, 2008*):

615 (a) Subject to the provisions of subsection (b) of section 46b-46, in a  
616 proceeding to establish [.] or enforce [or modify] a support order or to  
617 determine paternity, a tribunal of this state may exercise personal  
618 jurisdiction over a nonresident individual if: (1) The individual is  
619 personally served with process within this state; (2) the individual  
620 submits to the jurisdiction of this state by consent in a record, by  
621 entering a general appearance and failing to object to jurisdiction in a  
622 timely manner, or by filing a responsive document having the effect of  
623 waiving any contest to personal jurisdiction; (3) the individual resided  
624 with the child in this state; (4) the individual resided in this state and  
625 provided prenatal expenses or support for the child; (5) the child  
626 resides in this state as a result of the acts or directives of the individual;  
627 (6) the individual engaged in sexual intercourse in this state and the  
628 child may have been conceived by that act of intercourse; or (7) there is  
629 any other basis consistent with the Constitutions of this state and the  
630 United States for the exercise of personal jurisdiction.

631 (b) The bases of personal jurisdiction set forth in subsection (a) of

632 this section or in any other law of this state may not be used to acquire  
633 personal jurisdiction for a tribunal of the state to modify a child  
634 support order of another state unless the requirements of section 46b-  
635 213q, as amended by this act, or subsection (b) of section 46b-213r, as  
636 amended by this act, are met.

637 (c) Personal jurisdiction acquired by the Family Support Magistrate  
638 Division in a proceeding under sections 46b-212 to 46b-213w,  
639 inclusive, as amended by this act, or other law of this state relating to a  
640 support order continues as long as the Family Support Magistrate  
641 Division has continuing, exclusive jurisdiction to modify its order or  
642 continuing jurisdiction to enforce its order as provided by sections  
643 46b-212h and 46b-212i, as amended by this act.

644 Sec. 19. Section 46b-212e of the general statutes is repealed and the  
645 following is substituted in lieu thereof (*Effective January 1, 2008*):

646 The Family Support Magistrate Division exercising personal  
647 jurisdiction over a nonresident [under section 46b-212d, may apply  
648 section 46b-213a to] in a proceeding under sections 46b-212 to 46b-  
649 213w, inclusive, as amended by this act, under other law of this state  
650 relating to a support order, or recognizing a support order of a foreign  
651 country or political subdivision on the basis of comity may receive  
652 evidence from another state [, and section 46b-213c to] pursuant to  
653 section 46b-213a, as amended by this act, communicate with a tribunal  
654 of another state pursuant to section 46b-213b, as amended by this act,  
655 and obtain discovery through a tribunal of another state pursuant to  
656 section 46b-213c. In all other respects, sections 46b-212m to 46b-213s,  
657 inclusive, as amended by this act, do not apply and the Family Support  
658 Magistrate Division shall apply the procedural and substantive law of  
659 this state, [, including the rules on choice of law other than those  
660 established by sections 46b-212 to 46b-213v, inclusive.]

661 Sec. 20. Section 46b-212f of the general statutes is repealed and the  
662 following is substituted in lieu thereof (*Effective January 1, 2008*):

663 Under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as

664 amended by this act, the Family Support Magistrate Division may  
665 serve as an initiating tribunal to forward proceedings to another state  
666 and as a responding tribunal for proceedings initiated in another state.

667 Sec. 21. Section 46b-212h of the general statutes is repealed and the  
668 following is substituted in lieu thereof (*Effective January 1, 2008*):

669 (a) The Family Support Magistrate Division or the Superior Court  
670 [issuing] that has issued a support order consistent with the law of this  
671 state has and shall exercise continuing exclusive jurisdiction [over a] to  
672 modify its child support order if such order is the controlling support  
673 order and: (1) [As long as] At the time of the filing of a request for  
674 modification this state [remains] is the residence of the obligor, the  
675 individual obligee or the child for whose benefit the support order is  
676 issued; or (2) [until all of the parties who are individuals have filed  
677 written consents with the Family Support Magistrate Division for a  
678 tribunal of another state to modify the order and assume continuing  
679 exclusive jurisdiction] if this state is not the residence of the obligor,  
680 the individual obligee, or the child for whose benefit the support order  
681 is issued, the parties consent in a record or in open court that the  
682 Family Support Magistrate Division or the Superior Court may  
683 continue to exercise jurisdiction to modify its order.

684 (b) The Family Support Magistrate Division or the Superior Court  
685 [issuing] that has issued a child support order consistent with the law  
686 of this state may not exercise [its] continuing, ~~exclusive~~ jurisdiction to  
687 modify the order if: [the order has been modified by a tribunal of  
688 another state pursuant to a law substantially similar to sections 46b-  
689 212 to 46b-213v, inclusive.]

690 [(c) If a child support order of this state is modified by a tribunal of  
691 another state pursuant to a law substantially similar to sections 46b-  
692 212 to 46b-213v, inclusive, the Family Support Magistrate Division and  
693 the Superior Court lose continuing exclusive jurisdiction with regard  
694 to prospective enforcement of the order issued in this state, and may  
695 only: (1) Enforce the order that was modified as to amounts accruing  
696 before the modification; (2) enforce nonmodifiable aspects of that

697 order; and (3) provide other appropriate relief for violations of that  
698 order which occurred before the effective date of the modification.]

699 [(d) The Family Support Magistrate Division and the Superior Court  
700 shall recognize the continuing exclusive jurisdiction of]

701 (1) All of the parties who are individuals file consent in a record  
702 with the Family Support Magistrate Division or the Superior Court  
703 that a tribunal of another state that has jurisdiction over at least one of  
704 the parties who is an individual or that is located in the state of  
705 residence of the child may modify the order and assume continuing,  
706 exclusive jurisdiction; or

707 (2) Its order is not the controlling order.

708 (c) If a tribunal of another state [which] has issued a child support  
709 order pursuant to the Uniform Interstate Family Support Act or a law  
710 substantially similar to [sections 46b-212 to 46b-213v, inclusive] said  
711 act, which modifies a child support order of the Family Support  
712 Magistrate Division or Superior Court, tribunals of this state shall  
713 recognize the continuing, exclusive jurisdiction of the tribunal of the  
714 other state.

715 (d) A tribunal of this state that lacks continuing, exclusive  
716 jurisdiction to modify a child support order may serve as an initiating  
717 tribunal to request a tribunal of another state to modify a support  
718 order issued in that state.

719 (e) A temporary support order issued ex parte or pending resolution  
720 of a jurisdictional conflict does not create continuing exclusive  
721 jurisdiction in the issuing tribunal.

722 (f) (1) The Family Support Magistrate Division or Superior Court  
723 issuing a spousal support order consistent with the law of this state  
724 has continuing exclusive jurisdiction [over a] to modify the spousal  
725 support order throughout the existence of the support obligation. (2)  
726 The Family Support Magistrate Division and the Superior Court may

727 not modify a spousal support order issued by a tribunal of another  
728 state having continuing exclusive jurisdiction over that order under  
729 the law of that state. (3) The Family Support Magistrate Division or  
730 Superior Court that has continuing exclusive jurisdiction over a  
731 spousal support order may serve as: (A) An initiating tribunal to  
732 request a tribunal of another state to enforce the spousal support order  
733 issued in this state; or (B) a responding tribunal to enforce or modify  
734 its own spousal support order.

735 Sec. 22. Section 46b-212i of the general statutes is repealed and the  
736 following is substituted in lieu thereof (*Effective January 1, 2008*):

737 (a) The Family Support Magistrate Division that has issued a child  
738 support order consistent with the law of this state may serve as an  
739 initiating tribunal to request a tribunal of another state to enforce; [or  
740 modify a support order issued in that state] (1) The order if the order is  
741 the controlling order and has not been modified by a tribunal of  
742 another state that assumed jurisdiction pursuant to the Uniform  
743 Interstate Family Support Act; or (2) a money judgment for arrears of  
744 support and interest on the order accrued before a determination that  
745 an order of another state is the controlling order.

746 (b) The Family Support Magistrate Division having continuing  
747 [exclusive] jurisdiction over a support order may act as a responding  
748 tribunal to enforce [or modify] the order. [If a party subject to the  
749 continuing exclusive jurisdiction of the Family Support Magistrate  
750 Division no longer resides in the issuing state, in subsequent  
751 proceedings the Family Support Magistrate Division may apply the  
752 provisions of section 46b-213a to receive evidence from another state  
753 and the provisions of section 46b-213c to obtain discovery through a  
754 tribunal of another state.]

755 [(c) If the Family Support Magistrate Division or Superior Court  
756 lacks continuing exclusive jurisdiction over a spousal support order, it  
757 may not serve as a responding tribunal to modify a spousal support  
758 order of another state.]

759 Sec. 23. Section 46b-212j of the general statutes is repealed and the  
760 following is substituted in lieu thereof (*Effective January 1, 2008*):

761 (a) If a proceeding is brought under sections 46b-212 to [46b-213v]  
762 46b-213w, inclusive, as amended by this act, and only one tribunal has  
763 issued a child support order, the order of that tribunal controls and  
764 shall be recognized.

765 (b) If a proceeding is brought under sections 46b-212 to [46b-213v]  
766 46b-213w, inclusive, as amended by this act, and two or more child  
767 support orders have been issued by tribunals of this state or another  
768 state with regard to the same obligor and child, the family support  
769 magistrate having personal jurisdiction over both the obligor and the  
770 individual obligee shall apply the following rules [in determining] and  
771 by order shall determine which order [to recognize for purposes of  
772 continuing, exclusive jurisdiction] controls:

773 (1) If only one of the tribunals would have continuing, exclusive  
774 jurisdiction under sections 46b-212 to [46b-213v] 46b-213w, inclusive,  
775 as amended by this act, the order of that tribunal controls and shall be  
776 recognized.

777 (2) If more than one of the tribunals would have continuing,  
778 exclusive jurisdiction under 46b-212 to [46b-213v] 46b-213w, inclusive,  
779 as amended by this act: (A) [an] An order issued by a tribunal in the  
780 current home state of the child controls; [and shall be recognized,] but,  
781 (B) if an order has not been issued in the current home state of the  
782 child, the order most recently issued controls. [and shall be  
783 recognized.]

784 (3) If none of the tribunals would have continuing, exclusive  
785 jurisdiction under sections 46b-212 to [46b-213v] 46b-213w, inclusive,  
786 as amended by this act, the family support magistrate [having  
787 jurisdiction over the parties] shall issue a child support order, which  
788 controls. [and shall be recognized.]

789 (c) If two or more child support orders have been issued for the

790 same obligor and same child, [or the individual obligee resides in this  
791 state, a party may request] upon request of a party who is an  
792 individual or a support enforcement agency, a family support  
793 magistrate [to] having personal jurisdiction over both the obligor and  
794 the obligee who is an individual shall determine which order controls  
795 [and is required to be recognized] under subsection (b) of this section.  
796 [The request shall be accompanied by a certified copy of every support  
797 order in effect. The requesting party shall give notice of the request to  
798 each party whose rights may be affected by the determination.]

799 (d) A request to determine which is the controlling order shall be  
800 accompanied by a copy of every child support order in effect and the  
801 applicable record of payments. The requesting party shall give notice  
802 of the request to each party whose rights may be affected by the  
803 determination.

804 [(d)] (e) The tribunal that issued [an order recognized] the  
805 controlling order under subsection (a), (b) or (c) of this section [is the  
806 tribunal having] has continuing [, exclusive] jurisdiction to the extent  
807 provided in section 46b-212h or 46b-212i, as amended by this act.

808 [(e)] (f) The family support magistrate [which] that determines by  
809 order [the identity of] which is the controlling order under  
810 subdivisions (1) or (2) of subsection (b) or subsection (c) of this section  
811 or [which] that issues a new controlling order under subdivision (3) of  
812 subsection (b) of this section, shall state in the order: [the] (1) The basis  
813 upon which the tribunal made its determination; (2) the amount of  
814 prospective support, if any; and (3) the total amount of consolidated  
815 arrears and accrued interest, if any, under all of the orders after all  
816 payments made are credited as provided by section 46b-212l, as  
817 amended by this act.

818 [(f)] (g) The family support magistrate shall order the party  
819 obtaining the order determining [the identity of] which is the  
820 controlling order to file, within thirty days after issuance of [an] the  
821 order determining [the identity of] which is the controlling order, a  
822 certified copy of such order with each tribunal that issued or registered

823 an earlier order of child support. A party or support enforcement  
824 agency obtaining the order that fails to file a certified copy is subject to  
825 appropriate sanctions by a tribunal in which the issue of failure to file  
826 arises. The failure to file such order pursuant to this subsection shall  
827 not affect the validity or enforceability of the controlling order.

828 (h) An order that has been determined to be the controlling order, or  
829 a judgment for consolidated arrears of support and interest, if any,  
830 made pursuant to this section shall be recognized in proceedings  
831 under sections 46b-212 to 46b-213w, inclusive, as amended by this act.

832 Sec. 24. Section 46b-212k of the general statutes is repealed and the  
833 following is substituted in lieu thereof (*Effective January 1, 2008*):

834 In responding to [multiple] registrations or petitions for  
835 enforcement of two or more child support orders in effect at the same  
836 time with regard to the same obligor and different individual obligees,  
837 at least one of which was issued by a tribunal of another state, the  
838 Family Support Magistrate Division shall enforce those orders in the  
839 same manner as if the [multiple] orders had been issued by the Family  
840 Support Magistrate Division.

841 Sec. 25. Section 46b-212l of the general statutes is repealed and the  
842 following is substituted in lieu thereof (*Effective January 1, 2008*):

843 [Amounts] The Family Support Magistrate Division shall credit  
844 amounts collected [and credited] for a particular period pursuant to [a  
845 support order] any child support order against the amounts owed for  
846 the same period under any other child support order for support of the  
847 same child issued by a tribunal of this or another state. [must be  
848 credited against the amounts accruing or accrued for the same period  
849 under a support order issued by the Family Support Magistrate  
850 Division or the Superior Court.]

851 Sec. 26. Section 46b-212m of the general statutes is repealed and the  
852 following is substituted in lieu thereof (*Effective January 1, 2008*):

853 (a) Except as otherwise provided in sections 46b-212 to [46b-213v]

854 46b-213w, inclusive, as amended by this act, sections 46b-212m to 46b-  
855 213d, inclusive, as amended by this act, apply to all proceedings under  
856 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this  
857 act.

858 [(b) Sections 46b-212 to 46b-213v, inclusive, provide for the  
859 following proceedings: (1) Establishment of an order for spousal  
860 support or child support pursuant to section 46b-213e; (2) enforcement  
861 of a support order and income withholding order of another state  
862 without registration pursuant to section 46b-213f; (3) registration of an  
863 order for spousal support or child support of another state for  
864 enforcement pursuant to sections 46b-213g to 46b-213r, inclusive; (4)  
865 modification of an order for child support or spousal support issued  
866 by a tribunal of this state pursuant to sections 46b-212f to 46b-212i,  
867 inclusive; (5) registration of an order for child support of another state  
868 for modification pursuant to sections 46b-213g to 46b-213r, inclusive;  
869 (6) determination of paternity pursuant to section 46b-213s; and (7)  
870 assertion of jurisdiction over nonresidents pursuant to sections 46b-  
871 212d and 46b-212e.]

872 [(c)] (b) An individual petitioner or a support enforcement agency  
873 may [commence] initiate a proceeding authorized under sections 46b-  
874 212 to [46b-213v] 46b-213w, inclusive, as amended by this act, by filing  
875 a petition in an initiating tribunal for forwarding to a responding  
876 tribunal or by filing a petition or a comparable pleading directly in a  
877 tribunal of another state which has or can obtain personal jurisdiction  
878 over the respondent.

879 Sec. 27. Section 46b-212o of the general statutes is repealed and the  
880 following is substituted in lieu thereof (*Effective January 1, 2008*):

881 Except as otherwise provided [by] in sections 46b-212 to [46b-213v]  
882 46b-213w, inclusive, as amended by this act, a responding tribunal of  
883 this state shall: (1) [Shall apply] Apply the procedural and substantive  
884 law [, including the rules on choice of law,] generally applicable to  
885 similar proceedings originating in this state and may exercise all  
886 powers and provide all remedies available in those proceedings; and

887 (2) [shall] determine the duty of support and the amount payable in  
888 accordance with the law and support guidelines of this state.

889 Sec. 28. Section 46b-212p of the general statutes is repealed and the  
890 following is substituted in lieu thereof (*Effective January 1, 2008*):

891 (a) Except with respect to the initial petition in a IV-D support case,  
892 upon filing of a petition authorized by sections 46b-212 to [46b-213v]  
893 46b-213w, inclusive, as amended by this act, an initiating tribunal of  
894 this state shall forward [three copies of] the petition and its  
895 accompanying documents: (1) To the responding tribunal or  
896 appropriate support enforcement agency in the responding state; or (2)  
897 if the identity of the responding tribunal is unknown, to the state  
898 information agency of the responding state with a request that they be  
899 forwarded to the appropriate tribunal and that receipt be  
900 acknowledged. If a petition is the initial petition in a IV-D support  
901 case, the initiating tribunal shall forward [the three copies of] the  
902 petition and its accompanying documents to the interstate central  
903 registry in the responding state.

904 (b) If [a responding state has not enacted a law or procedure  
905 substantially similar to sections 46b-212 to 46b-213v, inclusive]  
906 requested by the responding tribunal, the family support magistrate  
907 [may] shall issue a certificate or other document and make findings  
908 required by the law of the [other] responding state. If the responding  
909 state is a foreign [jurisdiction] country or political subdivision, upon  
910 request, the family support magistrate [may] shall specify the amount  
911 of support sought, convert that amount into the equivalent amount in  
912 the foreign currency under applicable official or market exchange rate  
913 as publicly reported and provide any other documents necessary to  
914 satisfy the requirements of the responding state.

915 Sec. 29. Section 46b-212q of the general statutes is repealed and the  
916 following is substituted in lieu thereof (*Effective January 1, 2008*):

917 (a) When the Family Support Magistrate Division receives a petition  
918 or comparable pleading from an initiating tribunal or directly pursuant

919 to subsection [(c)] (b) of section 46b-212m, as amended by this act, the  
920 Family Support Magistrate Division, or Support Enforcement Services  
921 acting on its behalf shall promptly cause the petition or pleading to be  
922 filed and notify the petitioner [by first class mail] where and when it  
923 was filed.

924 (b) In matters arising under this section, family support magistrates  
925 shall have the same powers and authority as provided by law for IV-D  
926 support cases.

927 (c) The family support magistrate shall include in a support order  
928 issued under sections 46b-212 to 46b-213w, inclusive, as amended by  
929 this act, or in the documents accompanying the order, the calculations  
930 on which the support order is based.

931 [(c)] (d) The family support magistrate may not condition the  
932 payment of a support order issued under sections 46b-212 to [46b-  
933 213v] 46b-213w, inclusive, as amended by this act, upon compliance by  
934 a party with provisions for visitation.

935 [(d)] (e) If the Family Support Magistrate Division issues an order  
936 under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended  
937 by this act, the Family Support Magistrate Division, or Support  
938 Enforcement Services acting on its behalf, shall send a copy of the  
939 order [by first class mail] to the petitioner and the respondent and to  
940 the initiating tribunal, if any.

941 (f) If requested to enforce a support order, arrears, or judgment or  
942 modify a support order stated in a foreign currency, the Family  
943 Support Magistrate Division, or Support Enforcement Services acting  
944 on its behalf, shall convert the amount stated in the foreign currency to  
945 the equivalent amount in dollars under the applicable official or  
946 market exchange rate as publicly reported.

947 Sec. 30. Section 46b-212r of the general statutes is repealed and the  
948 following is substituted in lieu thereof (*Effective January 1, 2008*):

949 If a petition or comparable pleading is received by an inappropriate

950 tribunal of this state, the tribunal shall promptly forward the pleading  
951 and accompanying documents to an appropriate tribunal in this state  
952 or another state and notify the petitioner [by first class mail] where and  
953 when the pleading was sent.

954 Sec. 31. Section 46b-212s of the general statutes is repealed and the  
955 following is substituted in lieu thereof (*Effective January 1, 2008*):

956 (a) A support enforcement agency of this state, upon request, shall  
957 provide services to a petitioner in a proceeding under sections 46b-212  
958 to [46b-213v] 46b-213w, inclusive, as amended by this act.

959 (b) A support enforcement agency of this state that is providing  
960 services to the petitioner [as appropriate] shall: (1) Take all steps  
961 necessary to enable an appropriate tribunal in this state or another  
962 state to obtain jurisdiction over the respondent; (2) request an  
963 appropriate tribunal to set a date, time and place for a hearing; (3)  
964 make a reasonable effort to obtain all relevant information, including  
965 information as to income and property of the parties; (4) within five  
966 days, exclusive of Saturdays, Sundays and legal holidays, after receipt  
967 of [a written] notice in a record from an initiating, responding or  
968 registering tribunal, send a copy of the notice [by first class mail] to the  
969 petitioner; (5) within five days, exclusive of Saturdays, Sundays and  
970 legal holidays, after receipt of [a written] communication in a record  
971 from the respondent or the respondent's attorney, send a copy of the  
972 communication [by first class mail] to the petitioner; and (6) notify the  
973 petitioner if jurisdiction over the respondent cannot be obtained.

974 (c) A support enforcement agency of this state that requests  
975 registration of a child support order in this state for enforcement or  
976 modification of such order shall make reasonable efforts: (1) To ensure  
977 that the order to be registered is the controlling order; or (2) if two or  
978 more child support orders exist and the identity of the controlling  
979 order has not been determined, to ensure that a request for such a  
980 determination is made in a tribunal having jurisdiction to do so.

981 (d) A support enforcement agency of this state that requests

982 registration and enforcement of a support order, arrears or judgment  
983 stated in a foreign currency shall convert the amounts stated in the  
984 foreign currency into the equivalent amounts in dollars under the  
985 applicable official or market exchange rate as publicly reported.

986 (e) A support enforcement agency of this state shall issue, or request  
987 a family support magistrate to issue, a child support order and an  
988 income withholding order that redirect payment of current support,  
989 arrears and interest if requested to do so by a support enforcement  
990 agency of another state pursuant to section 46b-213d, as amended by  
991 this act.

992 [(c)] (f) The provisions of sections 46b-212 to [46b-213v] 46b-213w,  
993 inclusive, as amended by this act, do not create a relationship of  
994 attorney and client or other fiduciary relationship between a support  
995 enforcement agency or the attorney for the agency and the individual  
996 being assisted by the agency.

997 Sec. 32. Section 46b-212t of the general statutes is repealed and the  
998 following is substituted in lieu thereof (*Effective January 1, 2008*):

999 (a) The Attorney General shall provide necessary legal services on  
1000 behalf of the support enforcement agency in providing services to a  
1001 petitioner under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as  
1002 amended by this act.

1003 (b) An individual may employ private counsel to represent the  
1004 individual in proceedings authorized by sections 46b-212 to [46b-213v]  
1005 46b-213w, inclusive, as amended by this act.

1006 (c) The Attorney General may determine that a foreign country or  
1007 political subdivision has established a reciprocal arrangement for child  
1008 support with this state and take appropriate action for notification of  
1009 the determination.

1010 Sec. 33. Section 46b-212v of the general statutes is repealed and the  
1011 following is substituted in lieu thereof (*Effective January 1, 2008*):

1012 (a) Support Enforcement Services of the Superior Court is the state  
1013 information agency under sections 46b-212 to [46b-213v] 46b-213w,  
1014 inclusive, as amended by this act.

1015 (b) The state information agency shall: (1) Compile and maintain a  
1016 current list, including addresses, of the tribunals in this state which  
1017 have jurisdiction under sections 46b-212 to [46b-213v] 46b-213w,  
1018 inclusive, as amended by this act, and any support enforcement  
1019 agencies in this state and transmit a copy to the state information  
1020 agency of every other state; (2) maintain a registry of the names and  
1021 addresses of tribunals and support enforcement agencies received  
1022 from other states; (3) forward to the appropriate tribunal [in the place]  
1023 in this state in which the [individual] obligee who is an individual or  
1024 the obligor resides, or in which the obligor's property is believed to be  
1025 located, all documents concerning a proceeding under sections 46b-212  
1026 to [46b-213v] 46b-213w, inclusive, as amended by this act, received  
1027 from an initiating tribunal or the state information agency of the  
1028 initiating state; and (4) obtain information concerning the location of  
1029 the obligor and the obligor's property within this state not exempt  
1030 from execution.

1031 (c) In addition to its duties as the state information agency Support  
1032 Enforcement Services of the Superior Court shall maintain a registry of  
1033 support orders and judgments in the Family Support Magistrate  
1034 Division of the Superior Court and shall perform such clerical,  
1035 administrative and other nonjudicial functions on behalf of the Family  
1036 Support Magistrate Division as may be required, or as are otherwise  
1037 agreed upon, pursuant to sections 46b-62, 46b-69, 46b-179a, 46b-179b,  
1038 46b-207, 46b-208, 46b-212 to [46b-213v] 46b-213w, inclusive, as  
1039 amended by this act, 46b-231, as amended by this act, 52-362, as  
1040 amended by this act, and 52-362f.

1041 Sec. 34. Section 46b-212w of the general statutes is repealed and the  
1042 following is substituted in lieu thereof (*Effective January 1, 2008*):

1043 (a) [A] In a proceeding under sections 46b-212 to 46b-213w,  
1044 inclusive, as amended by this act, a petitioner seeking to: [establish or

1045 modify] Establish a support order, [or to] determine paternity, [in a  
1046 proceeding under sections 46b-212 to 46b-213v, inclusive, must verify  
1047 the] or register and modify a support order of another state must file a  
1048 petition. Unless otherwise ordered under section 46b-212x, as  
1049 amended by this act, the petition or accompanying documents [must]  
1050 shall provide, so far as known, the name, residential address and  
1051 Social Security numbers of the obligor and the obligee, or the parent  
1052 and alleged parent, and the name, sex, residential address, Social  
1053 Security number and date of birth of each child for [whom] whose  
1054 benefit support is sought [. The] or whose paternity is to be  
1055 determined. Unless filed at the time of registration, the petition [must]  
1056 shall be accompanied by a [certified] copy of any support order [in  
1057 effect] known to have been issued by another tribunal. The petition  
1058 may include any other information that may assist in locating or  
1059 identifying the respondent.

1060 (b) The petition [must] shall specify the relief sought. The petition  
1061 and accompanying documents must conform substantially with the  
1062 requirements imposed by the forms mandated by federal law for use  
1063 in cases filed by a support enforcement agency.

1064 Sec. 35. Section 46b-212x of the general statutes is repealed and the  
1065 following is substituted in lieu thereof (*Effective January 1, 2008*):

1066 [Upon a finding, which may be made ex parte, that the health,  
1067 safety or liberty of a party or child would be unreasonably put at risk  
1068 by the disclosure of identifying information, or if an existing order so  
1069 provides, a tribunal shall order that the address of the child or party or  
1070 other identifying information not be disclosed in a pleading or other  
1071 document filed in a proceeding under sections 46b-212 to 46b-213v,  
1072 inclusive.]

1073 If a party alleges in an affidavit or a pleading under oath that the  
1074 health, safety or liberty of a party or child would be jeopardized by  
1075 disclosure of specific identifying information, such identifying  
1076 information shall be sealed and may not be disclosed to the other party  
1077 or the public unless ordered by a tribunal. After a hearing in which a

1078 tribunal takes into consideration the health, safety or liberty of the  
1079 party or child, the tribunal may order disclosure of any information  
1080 that the tribunal determines to be in the interest of justice.

1081       Sec. 36. Section 46b-212z of the general statutes is repealed and the  
1082 following is substituted in lieu thereof (*Effective January 1, 2008*):

1083       (a) Participation by a petitioner in a proceeding under sections 46b-  
1084 212 to 46b-213w, inclusive, as amended by this act, before a responding  
1085 tribunal, whether in person, by private attorney or through services  
1086 provided by the support enforcement agency, does not confer personal  
1087 jurisdiction over the petitioner in another proceeding.

1088       (b) A petitioner is not amenable to service of civil process while  
1089 physically present in this state to participate in a proceeding under  
1090 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this  
1091 act.

1092       (c) The immunity granted by this section does not extend to civil  
1093 litigation based on acts unrelated to a proceeding under sections 46b-  
1094 212 to [46b-213v] 46b-213w, inclusive, as amended by this act,  
1095 committed by a party while physically present in this state to  
1096 participate in the proceeding.

1097       Sec. 37. Section 46b-213 of the general statutes is repealed and the  
1098 following is substituted in lieu thereof (*Effective January 1, 2008*):

1099       A party whose paternity of a child has been previously determined  
1100 by or pursuant to law may not plead nonpaternity as a defense to a  
1101 proceeding under sections 46b-212 to [46b-213v] 46b-212w, inclusive,  
1102 as amended by this act.

1103       Sec. 38. Section 46b-213a of the general statutes is repealed and the  
1104 following is substituted in lieu thereof (*Effective January 1, 2008*):

1105       (a) The physical presence of [the petitioner] a nonresident party who  
1106 is an individual in a [responding] tribunal of this state is not required  
1107 for the establishment, enforcement or modification of a support order

1108 or the rendition of a judgment determining paternity.

1109 (b) [A verified petition,] An affidavit, a document substantially  
1110 complying with federally-mandated forms [and] or a document  
1111 incorporated by reference in any of them, which would not be  
1112 excluded under the hearsay rule if given in person, is admissible in  
1113 evidence if given under [oath] penalty of perjury by a party or witness  
1114 residing in another state.

1115 (c) A copy of the record of child support payments certified as a true  
1116 copy of the original by the custodian of the record may be forwarded  
1117 to a responding tribunal. The copy is evidence of facts asserted in it  
1118 and is admissible to show whether payments were made.

1119 (d) Copies of bills for testing for paternity and for prenatal and  
1120 postnatal health care of the mother and child, furnished to the adverse  
1121 party at least ten days before trial, are admissible in evidence to prove  
1122 the amount of the charges billed and that the charges were reasonable,  
1123 necessary and customary.

1124 (e) Documentary evidence transmitted from another state to a  
1125 tribunal of this state by telephone, telecopier or other means that do  
1126 not provide an original [writing] record may not be excluded from  
1127 evidence on an objection based on the means of transmission.

1128 (f) In a proceeding under sections 46b-212 to [46b-213v] 46b-213w,  
1129 inclusive, as amended by this act, the family support magistrate [may]  
1130 shall permit a party or witness residing in another state to be deposed  
1131 or to testify under penalty or perjury by telephone, audiovisual means,  
1132 or other electronic means [, if available, and such costs for such  
1133 testimony shall be assessed to the party requesting such method of  
1134 providing testimony] at a designated tribunal or other location in that  
1135 state. A tribunal of this state shall cooperate with tribunals of other  
1136 states in designating an appropriate location for the deposition or  
1137 testimony.

1138 (g) If a party called to testify at a civil hearing refuses to answer on

1139 the ground that the testimony may be self-incriminating, the trier of  
1140 fact may draw an adverse inference from the refusal.

1141 (h) A privilege against disclosure of communications between  
1142 spouses does not apply in a proceeding under sections 46b-212 to [46b-  
1143 213v] 46b-213w, inclusive, as amended by this act.

1144 (i) The defense of immunity based on the relationship of husband  
1145 and wife or parent and child does not apply in a proceeding under  
1146 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this  
1147 act.

1148 (j) A voluntary acknowledgment of paternity, certified as a true  
1149 copy, is admissible to establish paternity of the child.

1150 Sec. 39. Section 46b-213b of the general statutes is repealed and the  
1151 following is substituted in lieu thereof (*Effective January 1, 2008*):

1152 A family support magistrate may communicate with a tribunal of  
1153 another state or foreign country or political subdivision in [writing] a  
1154 record, or by telephone or other means, to obtain information  
1155 concerning the laws, [of that state,] the legal effect of a judgment,  
1156 decree or order of that tribunal and the status of a proceeding in the  
1157 other state or foreign country or political subdivision. A family  
1158 support magistrate may furnish similar information by similar means  
1159 to a tribunal of another state or foreign country or political  
1160 subdivision.

1161 Sec. 40. Section 46b-213d of the general statutes is repealed and the  
1162 following is substituted in lieu thereof (*Effective January 1, 2008*):

1163 (a) The Child Support Enforcement Bureau of the Department of  
1164 Social Services or its designated collection agent, and any tribunal shall  
1165 disburse promptly any amounts received pursuant to a support order,  
1166 as directed by the order. The bureau, agent or tribunal shall furnish to  
1167 a requesting party or tribunal of another state a certified statement by  
1168 the custodian of the record of the amounts and dates of all payments  
1169 received.

1170       (b) If neither the obligor, nor an obligee who is an individual, nor  
1171 the child resides in this state, upon request from the support  
1172 enforcement agency of this state or another state, the support  
1173 enforcement agency or tribunal of this state shall: (1) Direct that the  
1174 support payment be made to the support enforcement agency in the  
1175 state in which the obligee is receiving services; and (2) issue and send  
1176 to the obligor's employer a conforming income withholding order or  
1177 an administrative notice of change of payee, reflecting the redirected  
1178 payments.

1179       (c) The support enforcement agency of this state, receiving  
1180 redirected payments from another state pursuant to a law similar to  
1181 subsection (b) of this section, shall furnish to a requesting party or  
1182 tribunal of the other state a certified statement by the custodian of the  
1183 record of the amount and dates of all payments received.

1184       Sec. 41. Section 46b-213e of the general statutes is repealed and the  
1185 following is substituted in lieu thereof (*Effective January 1, 2008*):

1186       (a) If a support order entitled to recognition under sections 46b-212  
1187 to [46b-213v] 46b-213w, inclusive, as amended by this act, has not been  
1188 issued, a family support magistrate may issue a support order if: (1)  
1189 The individual seeking the order resides in another state; or (2) the  
1190 support enforcement agency seeking the order is located in another  
1191 state.

1192       (b) The family support magistrate may issue a temporary child  
1193 support order if the family support magistrate determines that such an  
1194 order is appropriate and the individual ordered to pay is: (1) [The  
1195 respondent has signed a verified statement acknowledging paternity;  
1196 (2) the respondent has been determined by or pursuant to law to be the  
1197 parent; or (3) there is clear and convincing evidence of paternity which  
1198 evidence shall include, but not be limited to, genetic test results  
1199 indicating a ninety-nine per cent or greater probability that such  
1200 respondent is the father of the child] A presumed father of the child;  
1201 (2) petitioning to have paternity adjudicated; (3) identified as the father  
1202 of the child through genetic testing; (4) an alleged father who has

1203 declined to submit to genetic testing; (5) shown by clear and  
1204 convincing evidence to be the father of the child; (6) an acknowledged  
1205 father as provided by section 46b-172, as amended by this act; (7) the  
1206 mother of the child; or (8) an individual who has been ordered to pay  
1207 child support in a previous proceeding and the order has not been  
1208 reversed or vacated.

1209 (c) Upon finding, after notice and opportunity to be heard, that an  
1210 obligor owes a duty of support, the tribunal shall issue a support order  
1211 directed to the obligor and may issue other orders pursuant to section  
1212 46b-212q, as amended by this act.

1213 Sec. 42. Subsection (a) of section 46b-213f of the general statutes is  
1214 repealed and the following is substituted in lieu thereof (*Effective*  
1215 *January 1, 2008*):

1216 (a) A party or support enforcement agency seeking to enforce a  
1217 support order or an income withholding order, or both, issued by a  
1218 tribunal of another state may send the documents required for  
1219 registering the order to Support Enforcement Services.

1220 Sec. 43. Section 46b-213g of the general statutes is repealed and the  
1221 following is substituted in lieu thereof (*Effective January 1, 2008*):

1222 A support order or [an] income withholding order issued by a  
1223 tribunal of another state may be registered in this state for enforcement  
1224 with the registry of support orders of the Family Support Magistrate  
1225 Division maintained by Support Enforcement Services of the Superior  
1226 Court.

1227 Sec. 44. Section 46b-213h of the general statutes is repealed and the  
1228 following is substituted in lieu thereof (*Effective January 1, 2008*):

1229 (a) A support order or income withholding order of another state  
1230 may be registered in this state by sending the following [documents]  
1231 records and information to Support Enforcement Services for filing in  
1232 the registry of support orders of the Family Support Magistrate  
1233 Division: (1) A letter of transmittal to Support Enforcement Services

1234 requesting registration and enforcement; (2) two copies, including one  
1235 certified copy, of [all orders] the order to be registered, including any  
1236 modification of [an] the order; (3) a sworn statement by the [party  
1237 seeking] person requesting registration or a certified statement by the  
1238 custodian of the records showing the amount of any arrearage; (4) the  
1239 name of the obligor and, if known: (A) The obligor's address and Social  
1240 Security number; (B) the name and address of the obligor's employer  
1241 and any other source of income of the obligor; and (C) a description  
1242 and the location of property of the obligor in this state not exempt  
1243 from execution; (5) except as otherwise provided in section 46b-212x,  
1244 as amended by this act, the name and address of the obligee and, if  
1245 applicable, the [agency or] person to whom support payments are to  
1246 be remitted; and (6) a statement disclosing whether or not any other  
1247 action or proceeding is currently pending concerning the support of  
1248 the child who is the subject of such support order.

1249 (b) On receipt of a request for registration, Support Enforcement  
1250 Services shall cause the order to be filed as a foreign judgment in the  
1251 registry of support orders of the Family Support Magistrate Division,  
1252 together with one copy of the documents and information, regardless  
1253 of their form.

1254 (c) A petition or comparable pleading seeking a remedy that is  
1255 required to be affirmatively sought under other law of this state may  
1256 be filed at the same time as the request for registration or later. The  
1257 pleading shall specify the grounds for the remedy sought.

1258 (d) If two or more orders are in effect, the person requesting  
1259 registration shall: (1) Furnish to Support Enforcement Services a copy  
1260 of every support order asserted to be in effect in addition to the  
1261 documents specified in this section; (2) specify the order alleged to be  
1262 the controlling order, if any; and (3) specify the amount of  
1263 consolidated arrears, if any.

1264 (e) A request for a determination of which is the controlling order  
1265 may be filed separately or with a request for registration and  
1266 enforcement or for registration and modification. The person

1267 requesting registration shall give notice of the request to each party  
1268 whose rights may be affected by the determination.

1269 Sec. 45. Section 46b-213j of the general statutes is repealed and the  
1270 following is substituted in lieu thereof (*Effective January 1, 2008*):

1271 (a) [The] Except as provided in subsection (d) of this section, the law  
1272 of the issuing state governs: [the] (1) The nature, extent, amount and  
1273 duration of current payments [and other obligations of support and  
1274 the] under a registered support order; (2) the computation and  
1275 payment of arrearages and accrual of interest on the arrearages under  
1276 the support order; and (3) the existence and satisfaction of other  
1277 obligations under the support order.

1278 (b) In a proceeding for [arrearages] arrears under a registered  
1279 support order, the statute of limitations [under the laws] of this state or  
1280 of the issuing state, whichever is longer, applies.

1281 (c) A responding tribunal of this state shall apply the procedures  
1282 and remedies of this state to enforce current support and collect arrears  
1283 and interest due on a support order of another state registered in this  
1284 state.

1285 (d) After a tribunal of this or another state determines which is the  
1286 controlling order and issues an order consolidating arrears, if any, a  
1287 tribunal of this state shall prospectively apply the law of the state  
1288 issuing the controlling order, including its law on interest, arrears,  
1289 current and future support, and on consolidated arrears.

1290 Sec. 46. Section 46b-213k of the general statutes is repealed and the  
1291 following is substituted in lieu thereof (*Effective January 1, 2008*):

1292 (a) When a support order or income withholding order issued in  
1293 another state is registered, the Family Support Magistrate Division or  
1294 Support Enforcement Services acting on its behalf, shall notify the  
1295 nonregistering party. [Notice must be given by first class, certified or  
1296 registered mail or by any means of personal service authorized by the  
1297 law of this state.] The notice [must] shall be accompanied by a copy of

1298 the registered order and the documents and relevant information  
1299 accompanying the order.

1300 (b) [The] A notice [must] shall inform the nonregistering party: (1)  
1301 That a registered order is enforceable as of the date of registration in  
1302 the same manner as an order issued by a tribunal of this state; (2) that a  
1303 hearing before the Family Support Magistrate Division to contest the  
1304 validity or enforcement of the registered order must be requested  
1305 [within] not later than twenty days after [the date of mailing or  
1306 personal service of the] a notice; (3) that failure to contest the validity  
1307 or enforcement of the registered order in a timely manner will result in  
1308 confirmation of the order and enforcement of the order and the alleged  
1309 arrearages and precludes further contest of that order with respect to  
1310 any matter that could have been asserted; and (4) of the amount of any  
1311 alleged arrearages.

1312 (c) If the registering party asserts that two or more orders are in  
1313 effect, a notice shall also: (1) Identify the two or more orders and the  
1314 order alleged by the registering person to be the controlling order and  
1315 the consolidated arrears, if any; (2) notify the nonregistering party of  
1316 the right to a determination of which is the controlling order; (3) state  
1317 that the procedures provided in subsection (b) of this section apply to  
1318 the determination of which is the controlling order; and (4) state that  
1319 failure to contest the validity or enforcement of the order alleged to be  
1320 the controlling order in a timely manner may result in confirmation  
1321 that the order is the controlling order.

1322 [(c)] (d) Upon registration of an income withholding order for  
1323 enforcement, the Family Support Magistrate Division, or Support  
1324 Enforcement Services acting on its behalf, shall notify the obligor's  
1325 employer pursuant to section 52-362, as amended by this act.

1326 Sec. 47. Section 46b-213/ of the general statutes is repealed and the  
1327 following is substituted in lieu thereof (*Effective January 1, 2008*):

1328 (a) A nonregistering party seeking to contest the validity or  
1329 enforcement of a registered order in this state shall request a hearing

1330 before the Family Support Magistrate Division within twenty days  
1331 after [the date of mailing or personal service of] notice of the  
1332 registration. The nonregistering party may seek to vacate the  
1333 registration, to assert any defense to an allegation of noncompliance  
1334 with the registered order, or to contest the remedies being sought or  
1335 the amount of any alleged arrearages pursuant to section 46b-213m, as  
1336 amended by this act.

1337 (b) If the nonregistering party fails to contest the validity or  
1338 enforcement of the registered order in a timely manner, the order is  
1339 confirmed by operation of law.

1340 (c) If a nonregistering party requests a hearing to contest the validity  
1341 or enforcement of the registered order, the Family Support Magistrate  
1342 Division shall schedule the matter for hearing and give notice to the  
1343 parties [by first class mail] of the date, time and place of the hearing.

1344 Sec. 48. Section 46b-213m of the general statutes is repealed and the  
1345 following is substituted in lieu thereof (*Effective January 1, 2008*):

1346 (a) A party contesting the validity or enforcement of a registered  
1347 order or seeking to vacate the registration has the burden of proving  
1348 one or more of the following defenses: (1) The issuing tribunal lacked  
1349 personal jurisdiction over the contesting party; (2) the order was  
1350 obtained by fraud; (3) the order has been vacated, suspended or  
1351 modified by a later order; (4) the issuing tribunal has stayed the order  
1352 pending appeal; (5) there is a defense under the law of this state to the  
1353 remedy sought; (6) full or partial payment has been made; [or] (7) the  
1354 statute of limitations under section 46b-213j, as amended by this act,  
1355 precludes enforcement of some or all of the alleged arrearages; or (8)  
1356 the alleged controlling order is not the controlling order.

1357 (b) If a party presents evidence establishing a full or partial defense  
1358 under subsection (a) of this section, a tribunal may stay enforcement of  
1359 the registered order, continue the proceeding to permit production of  
1360 additional relevant evidence and issue other appropriate orders. An  
1361 uncontested portion of the registered order may be enforced by all

1362 remedies available under the law of this state.

1363 (c) If the contesting party does not establish a defense under  
1364 subsection (a) of this section to the validity or enforcement of the  
1365 order, the registering tribunal shall issue an order confirming the  
1366 order.

1367 Sec. 49. Section 46b-213p of the general statutes is repealed and the  
1368 following is substituted in lieu thereof (*Effective January 1, 2008*):

1369 A family support magistrate may enforce a child support order of  
1370 another state registered for purposes of modification, in the same  
1371 manner as if the order had been issued by a family support magistrate,  
1372 but the registered order may be modified only if the requirements of  
1373 section 46b-213q, as amended by this act, or subsection (b) of section  
1374 46b-213r, as amended by this act, have been met.

1375 Sec. 50. Section 46b-213q of the general statutes is repealed and the  
1376 following is substituted in lieu thereof (*Effective January 1, 2008*):

1377 (a) [After] If all of the parties who are individuals reside in this state  
1378 and the child does not reside in the issuing state, and except as  
1379 otherwise provided in subsection (b) of section 46b-213r, as amended  
1380 by this act, upon petition a family support magistrate may modify a  
1381 child support order issued in another state [has been] which is  
1382 registered in this state [, a family support magistrate may modify that  
1383 order only if subsection (e) of this section does not apply and,] if, after  
1384 notice and hearing, such magistrate finds that: (1) The following  
1385 requirements are met: (A) [The] Neither the child, nor the [individual]  
1386 obligee [and] who is an individual nor the obligor [do not reside]  
1387 resides in the issuing state; (B) a petitioner who is a nonresident of this  
1388 state seeks modification; and (C) the respondent is subject to the  
1389 personal jurisdiction of the Family Support Magistrate Division; or (2)  
1390 this state is the state of residence the child or a party who is an  
1391 individual is subject to the personal jurisdiction of the Family Support  
1392 Magistrate Division and all of the parties who are individuals have  
1393 filed [written] consents in a record in the issuing tribunal for a family

1394 support magistrate to modify the support order and assume  
1395 continuing exclusive jurisdiction. [over the order provided if the  
1396 issuing state is a foreign jurisdiction that has not enacted a law or  
1397 established procedures substantially similar to sections 46b-212 to  
1398 46b-213v, inclusive, the consent otherwise required of an individual  
1399 residing in this state is not required for the family support magistrate  
1400 to assume jurisdiction to modify a child support order.]

1401 (b) Modification of a registered child support order is subject to the  
1402 same requirements, procedures and defenses that apply to the  
1403 modification of an order issued by the Family Support Magistrate  
1404 Division and the order may be enforced and satisfied in the same  
1405 manner.

1406 (c) [A] Except as provided in subsection (b) of section 46b-213r, as  
1407 amended by this act, a family support magistrate may not modify any  
1408 aspect of a child support order that may not be modified under the law  
1409 of the issuing state, including the duration of the obligation of support.  
1410 If two or more tribunals have issued child support orders for the same  
1411 obligor and same child, the order that controls and shall be so  
1412 recognized under section 46b-212j, as amended by this act, establishes  
1413 the aspects of the support order which are nonmodifiable.

1414 (d) In a proceeding to modify a child support order, the law of the  
1415 state that is determined to have issued the initial controlling order  
1416 governs the duration of the obligation of support. The obligor's  
1417 fulfillment of the duty of support established by that order precludes  
1418 imposition of a further obligation of support by a tribunal of this state.

1419 [(d)] (e) On issuance of an order by the Family Support Magistrate  
1420 Division modifying a child support order issued in another state, the  
1421 Family Support Magistrate Division becomes the tribunal [of] having  
1422 continuing exclusive jurisdiction.

1423 [(e)] (f) (1) If all of the parties who are individuals reside in this state  
1424 and the child does not reside in the issuing state, the Family Support  
1425 Magistrate Division has jurisdiction to enforce and to modify the

1426 issuing state's child support order in a proceeding to register that  
1427 order.

1428 (2) The Family Support Magistrate Division exercising jurisdiction  
1429 under this subsection shall apply the provisions of sections 46b-212a to  
1430 46b-212l, inclusive, as amended by this act, and sections 46b-213g to  
1431 46b-213r, inclusive, as amended by this act, and the procedural and  
1432 substantive law of this state to the proceeding for enforcement or  
1433 modification. Sections 46b-212m to 46b-213f, inclusive, as amended by  
1434 this act, sections 46b-213s to 46b-213u, inclusive, as amended by this  
1435 act, and section 46b-213w, as amended by this act, shall not apply to  
1436 such proceeding.

1437 [(f)] (g) The family support magistrate shall order the party  
1438 obtaining the modification of a child support order to file, within thirty  
1439 days after issuance of such modification order, a certified copy of such  
1440 order with each tribunal that issued or registered an earlier order of  
1441 child support. A party who obtains the order and fails to file a certified  
1442 copy is subject to appropriate sanctions by a tribunal in which the  
1443 issue of failure to file arises. The failure to file such orders pursuant to  
1444 this subsection shall not affect the validity or enforceability of the  
1445 [controlling] modified order of the new tribunal having continuing  
1446 exclusive jurisdiction.

1447 Sec. 51. Section 46b-213r of the general statutes is repealed and the  
1448 following is substituted in lieu thereof (*Effective January 1, 2008*):

1449 [The] (a) If a child support order issued by the Family Support  
1450 Magistrate Division or Superior Court [shall recognize a modification  
1451 of its earlier child support order] is modified by a tribunal of another  
1452 state which assumed jurisdiction pursuant to [a law substantially  
1453 similar to sections 46b-212 to 46b-213v, inclusive, and, upon request,  
1454 except as otherwise provided in said sections, shall] the Uniform  
1455 Interstate Family Support Act, a tribunal of this state: (1) [Enforce the]  
1456 May enforce its order that was modified only as to [amounts] arrear  
1457 and interest accruing before the modification; (2) [enforce only  
1458 nonmodifiable aspects of that order; (3)] may provide [other]

1459 appropriate relief [only] for violations of [that] its order which  
1460 occurred before the effective date of modification; and [(4)] (3) shall  
1461 recognize the modifying order of the other state, upon registration, for  
1462 the purpose of enforcement.

1463 (b) (1) If a foreign country or political subdivision that is a state will  
1464 not or may not modify its order pursuant to its laws, a tribunal of this  
1465 state may assume jurisdiction to modify the child support order and  
1466 bind all individuals subject to the personal jurisdiction of the tribunal  
1467 whether or not the consent to modification of a child support order  
1468 otherwise required of the individual pursuant to subsection (a) of  
1469 section 46b-213q, as amended by this act, has been given or whether  
1470 the individual seeking modification is a resident of this state or of the  
1471 foreign country or political subdivision. (2) An order issued pursuant  
1472 to this subsection is the controlling order.

1473 Sec. 52. Section 46b-213s of the general statutes is repealed and the  
1474 following is substituted in lieu thereof (*Effective January 1, 2008*):

1475 [(a) The Family Support Magistrate Division] A court of this state  
1476 authorized to determine paternity of a child may serve as [an initiating  
1477 or] a responding tribunal in a proceeding to determine paternity  
1478 brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as  
1479 amended by this act, or a law substantially similar to said sections. [,  
1480 the Uniform Reciprocal Enforcement of Support Act or the Revised  
1481 Uniform Reciprocal Enforcement of Support Act to determine that the  
1482 petitioner is a parent of a particular child or to determine that a  
1483 respondent is a parent of such child.]

1484 [(b) In a proceeding to determine paternity, the Family Support  
1485 Magistrate Division shall apply the procedural and substantive law of  
1486 this state and the rules of this state on choice of law.]

1487 Sec. 53. Section 46b-213t of the general statutes is repealed and the  
1488 following is substituted in lieu thereof (*Effective January 1, 2008*):

1489 (a) The Governor of this state may: (1) Demand that the governor of

1490 another state surrender an individual found in the other state who is  
1491 charged criminally in this state with having failed to provide for the  
1492 support of an obligee; or (2) on the demand [by] of the governor of  
1493 another state, surrender an individual found in this state who is  
1494 charged criminally in the other state with having failed to provide for  
1495 the support of an obligee.

1496 (b) A provision for extradition of individuals not inconsistent with  
1497 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this  
1498 act, applies to the demand even if the individual whose surrender is  
1499 demanded was not in the demanding state when the crime was  
1500 allegedly committed and has not fled therefrom.

1501 Sec. 54. Section 46b-213u of the general statutes is repealed and the  
1502 following is substituted in lieu thereof (*Effective January 1, 2008*):

1503 (a) Before making a demand that the governor of another state  
1504 surrender an individual charged criminally in this state with having  
1505 failed to provide for the support of an obligee, the Governor of this  
1506 state may require a state's attorney or assistant state's attorney to  
1507 demonstrate that at least sixty days previously the obligee had  
1508 initiated proceedings for support pursuant to sections 46b-212 to [46b-  
1509 213v] 46b-213w, inclusive, as amended by this act, or that the  
1510 proceeding would be of no avail.

1511 (b) If, under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as  
1512 amended by this act, or a law substantially similar to said sections, [the  
1513 Uniform Reciprocal Enforcement of Support Act or the Revised  
1514 Uniform Reciprocal Enforcement of Support Act,] the governor of  
1515 another state makes a demand that the Governor of this state  
1516 surrender an individual charged criminally in that state with having  
1517 failed to provide for the support of a child or other individual to whom  
1518 a duty of support is owed, the Governor may require a state's attorney  
1519 or assistant state's attorney to investigate the demand and report  
1520 whether a proceeding for support has been initiated or would be  
1521 effective. If it appears that a proceeding would be effective, but has not  
1522 been initiated, the Governor may delay honoring the demand for a

1523 reasonable time to permit the initiation of a proceeding.

1524 (c) If a proceeding for support has been initiated and the individual  
1525 whose rendition is demanded prevails, the Governor may decline to  
1526 honor the demand. If the petitioner prevails and the individual whose  
1527 rendition is demanded is subject to a support order, the Governor may  
1528 decline to honor the demand if the individual is complying with the  
1529 support order.

1530 Sec. 55. Section 46b-213v of the general statutes is repealed and the  
1531 following is substituted in lieu thereof (*Effective January 1, 2008*):

1532 [Sections 46b-212 to 46b-213v, inclusive, shall be applied and  
1533 construed to effectuate their general purpose to make uniform] In  
1534 applying and construing the Uniform Interstate Family Support Act  
1535 under this part consideration shall be given to the need to promote  
1536 uniformity of the law with respect to [the] its subject [of said sections,]  
1537 matter among states [enacting this uniform act] that enact said  
1538 Uniform Act.

1539 Sec. 56. Section 46b-213w of the general statutes is repealed and the  
1540 following is substituted in lieu thereof (*Effective January 1, 2008*):

1541 (a) An income withholding order issued in another state may be  
1542 sent by or on behalf of the obligee, or by the support enforcement  
1543 agency, to the person [or entity] defined as the obligor's employer  
1544 under section 52-362, as amended by this act, without first filing a  
1545 petition or comparable pleading or registering the order in the registry  
1546 of support orders of the Family Support Magistrate Division.

1547 (b) Upon receipt of an income withholding order issued in another  
1548 state, the obligor's employer shall immediately provide to the obligor  
1549 (1) a copy of the order, and (2) a copy of the notice and claim form  
1550 provided by the Department of Social Services pursuant to subsection  
1551 (c) of this section.

1552 (c) The Department of Social Services shall distribute to all  
1553 employers in this state a standard notice and claim form, written in

1554 clear and simple language, which shall include:

1555 (1) Notice that money will be withheld from the employee's wages  
1556 for child support and health insurance;

1557 (2) Notice of the amount of disposable earnings that are exempt  
1558 from the income withholding order;

1559 (3) Notice that the amount of the income withholding order may not  
1560 exceed the maximum permitted by federal law under Section 1673 of  
1561 Title 15 of the United States Code, together with a statement of the  
1562 obligor's right to claim any other applicable state or federal  
1563 exemptions;

1564 (4) Notice of the right to object to the validity or enforcement of such  
1565 income withholding order in a court in this state and of the right to  
1566 seek modification of the underlying support order in the court of  
1567 continuing exclusive jurisdiction;

1568 (5) Notice of the right to seek the assistance of the Bureau of Child  
1569 Support Enforcement [Bureau] of the Department of Social Services  
1570 and the toll-free telephone number at which the bureau can be  
1571 contacted;

1572 (6) A claim form which shall include (A) a list of the most common  
1573 defenses and exemptions to such income withholding order in a  
1574 manner which allows the obligor to check any of the defenses and  
1575 exemptions which apply; (B) a space where the obligor may briefly  
1576 explain the obligor's claim or defense; (C) a space where the obligor  
1577 may initiate a request for services to modify the support order; (D) a  
1578 space for the obligor to provide the obligor's address and the name of  
1579 the town in which the obligor principally conducts the obligor's work  
1580 for the employer; (E) a space for the obligor to sign the obligor's name;  
1581 (F) the address of the Bureau of Child Support Enforcement of the  
1582 Department of Social Services to which the claim form is to be sent in  
1583 order to contest the validity or enforcement of the income withholding  
1584 order or to initiate a request for modification; and (G) space for the

1585 employer to state the date upon which the form was actually delivered  
1586 to the obligor.

1587 (d) The employer shall treat an income withholding order issued in  
1588 another state which appears [valid] regular on its face if it had been  
1589 issued by a tribunal of this state.

1590 (e) Except as otherwise provided in subsections (f) and (g) of this  
1591 section, the employer shall withhold and distribute the funds as  
1592 directed in the withholding order by complying with terms of the  
1593 order which specify: (1) The duration and amount of periodic  
1594 payments of current child support, stated as a sum certain; (2) the  
1595 person [or agency] designated to receive payments and the address to  
1596 which the payments are to be forwarded; (3) medical support, whether  
1597 in the form of periodic cash payment, stated as a sum certain, or  
1598 ordering the obligor to provide health insurance coverage for the child  
1599 under a policy available through the obligor's employment, subject to  
1600 the provisions of subsection (e) of section 38a-497a, as amended by this  
1601 act; (4) the amount of periodic payments of fees and costs for a support  
1602 enforcement agency, the issuing tribunal and the obligee's attorney,  
1603 stated as sums certain; and (5) the amount of periodic payments of  
1604 arrearages and interest on arrearages, stated as sums certain.

1605 (f) The employer shall comply with the law of this state for  
1606 withholding from income with respect to: (1) The prohibition against  
1607 an employer's fee for processing an income withholding order; (2) the  
1608 maximum amount permitted to be withheld from the obligor's income;  
1609 and (3) the time period within which the employer must implement  
1610 the withholding order and forward the child support payment.

1611 (g) If an employer receives [multiple] two or more income  
1612 withholding orders with respect to the earnings of the same obligor,  
1613 the employer satisfies the terms of [the multiple] such orders if the  
1614 employer complies with the law of this state to establish the priorities  
1615 for withholding and allocating income withheld for [multiple] two or  
1616 more child support obligees.

1617 (h) An employer who complies with an income withholding order  
1618 issued in another state in accordance with this section shall be immune  
1619 from civil liability with regard to the employer's withholding of child  
1620 support from the obligor's income.

1621 (i) An employer who wilfully fails to comply with an income  
1622 withholding order issued by another state and received for  
1623 enforcement is subject to the same penalties that may be imposed for  
1624 noncompliance with an order issued by a tribunal of this state.

1625 (j) An obligor may contest the validity or enforcement of an income  
1626 withholding order issued in another state and received directly by an  
1627 employer in this state by: (1) Registering the order in accordance with  
1628 section 46b-213h, as amended by this act, and filing a contest to that  
1629 order as provided in section 46b-213l, as amended by this act,  
1630 notwithstanding the obligor is the registering party; (2) otherwise  
1631 contesting the order in the same manner as if the order had been  
1632 issued by a tribunal of this state; or [by] (3) mailing to the Bureau of  
1633 Child Support Enforcement of the Department of Social Services the  
1634 claim form delivered to the obligor pursuant to subsection (b) of this  
1635 section, signed by the obligor and containing his address and a copy of  
1636 the income withholding order. The obligor shall also deliver a copy of  
1637 such claim form to the employer. [If a claim form contesting the  
1638 validity or enforcement of an income withholding order is received by  
1639 the employer within fourteen days of the receipt by the obligor of the  
1640 notice and claim form, imposition of the withholding order shall be  
1641 stayed and the employer shall not implement the withholding order  
1642 for a period of thirty days. If the employer receives from the Bureau of  
1643 Child Support Enforcement a notice that it has received the claim form,  
1644 the employer shall not implement the withholding order until the  
1645 claim is decided by a family support magistrate.]

1646 (k) Upon receipt of a claim form contesting the validity or  
1647 enforcement of an income withholding order, the Bureau of Child  
1648 Support Enforcement shall within seven days notify the employer of  
1649 the receipt of the claim form. The bureau shall also give notice of the

1650 contest [and of the fact that the order is stayed until the claim is  
1651 decided by a family support magistrate] to (1) the support enforcement  
1652 agency providing services to the obligee; (2) [the obligor's] each  
1653 employer that has directly received an income withholding order  
1654 relating to the obligor; (3) the person [or agency] designated to receive  
1655 payments in the income withholding order; and (4) if the obligee's  
1656 address is known, the obligee. In addition, the bureau shall  
1657 immediately cause the income withholding order to be registered in  
1658 this state [with the appropriate clerk of the Family Support Magistrate  
1659 Division and shall comply with the registration requirements of] in  
1660 accordance with section 46b-213h, as amended by this act. The bureau  
1661 shall also immediately file the claim form on behalf of the obligor with  
1662 Support Enforcement Services acting on behalf of the Family Support  
1663 Magistrate Division. [of the Superior Court.] The clerk shall promptly  
1664 enter the appearance of the obligor, schedule a hearing, and give notice  
1665 of the hearing to the obligor, the Bureau of Child Support  
1666 Enforcement, the party initiating the income withholding order, and, if  
1667 the obligee's address is known, the obligee. The clerk shall proceed in  
1668 accordance with subsection (d) of section [52-361] 52-362, as amended  
1669 by this act. The family support magistrate shall promptly hear and  
1670 determine the claim and enter its determination within forty-five days  
1671 from the date of the filing of the claim form. In addition to any notice  
1672 given by the clerk, upon entry of the decision of the family support  
1673 magistrate on the claim, the bureau shall give notice of the decision to  
1674 [the] each employer that has directly received an income withholding  
1675 order related to the obligor, the party initiating the income  
1676 withholding order, the obligor and, if the obligee's address is known,  
1677 the obligee.

1678 (l) If the claim form requests services to modify the support order,  
1679 the Bureau of Child Support Enforcement shall assist the obligor to file  
1680 a motion for modification with the appropriate tribunal of the state of  
1681 continuing exclusive jurisdiction in accordance with the law of that  
1682 jurisdiction. The receipt of the request for modification shall constitute  
1683 a request for Title IV-D services, but the bureau may require the  
1684 making of a formal application. Such assistance shall include, but is

1685 not limited to, providing the obligor with information about how such  
1686 a motion is filed, contacting the state of continuing exclusive  
1687 jurisdiction on behalf of the obligor to obtain appropriate forms, and  
1688 transmitting such forms and applicable information to the appropriate  
1689 tribunal in such state.

1690 (m) Venue for contested claims under this section shall be the family  
1691 support magistrate division of the superior court in the judicial district  
1692 in which the obligor resides, provided (1) if the obligor does not reside  
1693 in this state, venue shall be in the judicial district in which the obligor  
1694 principally conducts his work for the employer who is subject to the  
1695 income withholding order, and (2) if there is an existing action  
1696 concerning support of the child or children who are the subject of the  
1697 income withholding order, the claim shall be filed in that action.

1698 Sec. 57. Subdivision (2) of subsection (a) of section 46b-215 of the  
1699 general statutes is repealed and the following is substituted in lieu  
1700 thereof (*Effective October 1, 2007*):

1701 (2) Any such support order in a IV-D support case shall include a  
1702 provision for the health care coverage of the child. [which] Such  
1703 provision may include an order for either parent or both parents to  
1704 provide such coverage under any or all of subparagraphs (A), (B) or  
1705 (C) of this subdivision.

1706 (A) The provision for health care coverage may include an order for  
1707 either parent to name any child as a beneficiary of any medical or  
1708 dental insurance or benefit plan carried by such parent or available to  
1709 such parent [on a group basis through an employer or a union. Any  
1710 such employment-based order] at a reasonable cost, as defined in  
1711 subparagraph (D) of this subdivision. If such order requires the parent  
1712 to maintain insurance available through an employer, the order shall  
1713 be enforced using a National Medical Support Notice as provided in  
1714 section 46b-88, as amended by this act.

1715 (B) If [such] insurance coverage in accordance with subparagraph  
1716 (A) is unavailable at reasonable cost to the parent obligated to

1717 maintain the insurance, or inaccessible to the child, the provision for  
1718 health care coverage may include an order for either parent to: [apply]  
1719 (i) Apply for and maintain coverage on behalf of the child under the  
1720 HUSKY Plan, Part B; [ The noncustodial parent shall be ordered to  
1721 apply for the HUSKY Plan, Part B only if such parent is found to have  
1722 sufficient ability to pay the appropriate premium. In any IV-D support  
1723 case in which the noncustodial parent is found to have insufficient  
1724 ability to provide medical insurance coverage and the custodial party  
1725 is the HUSKY Plan, Part A or Part B applicant, the provision for health  
1726 care coverage may include an order for the noncustodial parent to pay  
1727 such amount as is specified by the court or family support magistrate]  
1728 or (ii) provide cash medical support, as described in subparagraph (E)  
1729 of this subdivision. An order under this subparagraph shall be made  
1730 only if the cost to the parent obligated to maintain the insurance is  
1731 reasonable, as defined in subparagraph (D) of this subdivision.

1732 (C) An order for payment of the child's medical and dental expenses  
1733 that are not covered by insurance or reimbursed in any other manner  
1734 shall be entered in accordance with the child support guidelines  
1735 established pursuant to section 46b-215a.

1736 (D) Health care coverage shall be deemed reasonable in cost if: (i)  
1737 The parent obligated to maintain the insurance would qualify as a low-  
1738 income obligor under the child support guidelines established  
1739 pursuant to section 46b-215a, based solely on such parent's income,  
1740 and the cost does not exceed five per cent of such parent's gross  
1741 income; or (ii) the parent obligated to maintain insurance would not  
1742 qualify as a low-income obligor under such guidelines and the cost  
1743 does not exceed seven and one-half per cent of such parent's gross  
1744 income.

1745 (E) Cash medical support means an amount ordered to be paid  
1746 toward the cost of health insurance provided by a public entity,  
1747 including the HUSKY Plan, Part A or Part B, or by another parent  
1748 through employment or otherwise, or for other medical costs not  
1749 covered by insurance, except as provided in subparagraph (C) of this

1750 subdivision. Cash medical support may be ordered in lieu of an order  
1751 under subparagraph (A) of this subdivision to be effective until such  
1752 time as health insurance that is accessible to the child and reasonable  
1753 in cost becomes available, or in addition to such order, provided the  
1754 combined cost of insurance and cash medical support is reasonable.  
1755 An order for cash medical support shall be payable to the state or the  
1756 custodial party, as their interests may appear. [.] Cash medical support  
1757 to offset the cost of any insurance payable under the HUSKY Plan, Part  
1758 A or Part B, [unless the] shall not be ordered against a noncustodial  
1759 parent who is a low-income obligor, as defined in the child support  
1760 guidelines established pursuant to section 46b-215a.

1761       Sec. 58. Subdivision (3) of subsection (a) of section 46b-215 of the  
1762 general statutes is repealed and the following is substituted in lieu  
1763 thereof (*Effective October 1, 2007*):

1764       (3) Proceedings to obtain orders of support under this section shall  
1765 be commenced by the service on the liable person or persons of a  
1766 verified petition, with summons and order, [in a form prescribed by  
1767 the Office of the Chief Court Administrator,] of the husband or wife,  
1768 child or any relative or the conservator, guardian or support  
1769 enforcement officer, town or state, or any selectmen or the public  
1770 official charged with the administration of public assistance of the  
1771 town, or in [TANF] IV-D support cases, as defined in subdivision [(14)]  
1772 (13) of subsection (b) of section 46b-231, as amended by this act, the  
1773 Commissioner of Social Services. The verified petition, summons and  
1774 order shall be filed in the judicial district in which the petitioner or  
1775 respondent resides or does business, or if filed in the Family Support  
1776 Magistrate Division, in the judicial district in which the petitioner or  
1777 respondent resides or does business. Such petition, summons and  
1778 order, in other than IV-D support cases, shall be on forms prescribed  
1779 by the Office of the Chief Court Administrator.

1780       Sec. 59. Section 46b-223 of the general statutes is repealed and the  
1781 following is substituted in lieu thereof (*Effective October 1, 2007*):

1782       The judges of the Superior Court may adopt any rules they deem

1783 necessary to implement the provisions of section 46b-220, including  
1784 the application of said section to the practice of law, and the Office of  
1785 the Chief Court Administrator, in other than IV-D support cases, shall  
1786 prescribe any forms required to implement said section.

1787 Sec. 60. Section 46b-224 of the general statutes is repealed and the  
1788 following is substituted in lieu thereof (*Effective October 1, 2007*):

1789 Whenever the Probate Court, in a guardianship matter under  
1790 chapter 802h, or the Superior Court, in a [juvenile matter under  
1791 chapter 815t,] family relations matter, as defined in section 46b-1,  
1792 orders a change or transfer of the guardianship or custody of a child  
1793 who is the subject of a preexisting support order, and the court makes  
1794 no finding with respect to such support order, such guardianship or  
1795 custody order shall operate to: (1) Suspend the support order if  
1796 guardianship or custody is transferred to the obligor under the  
1797 support order; or (2) modify the payee of the support order to be the  
1798 person or entity awarded guardianship or custody of the child by the  
1799 court, if such person or entity is other than the obligor under the  
1800 support order.

1801 Sec. 61. Subsection (s) of section 46b-231 of the general statutes is  
1802 repealed and the following is substituted in lieu thereof (*Effective*  
1803 *October 1, 2007*):

1804 (s) Support enforcement officers of Support Enforcement Services of  
1805 the Superior Court shall:

1806 (1) Supervise the payment of any child or spousal support order  
1807 made by a family support magistrate. Supervision of such orders is  
1808 defined as the utilization of all procedures available by law to collect  
1809 child or spousal support, or enforce medical support including (A)  
1810 issuance and implementation of income withholdings ordered by the  
1811 Superior Court or a family support magistrate pursuant to section 52-  
1812 362, as amended by this act, (B) issuance of an order requiring any  
1813 party to appear before a family support magistrate on an action to  
1814 modify a support order pursuant to subdivision (4) of this subsection,

1815 (C) issuance of a capias mittimus directed to a proper officer to arrest  
1816 an obligor or witness and bring such obligor or witness before a family  
1817 support magistrate if such obligor or witness is served with a  
1818 summons, subpoena, citation or order to appear issued by a family  
1819 support magistrate, the assistant clerk of the Family Support  
1820 Magistrate Division or a support enforcement officer and fails to  
1821 appear, [and] (D) if necessary, bringing an application for contempt to  
1822 a family support magistrate and, in connection with such application,  
1823 issuing an order requiring the obligor to appear before a family  
1824 support magistrate to show cause why such obligor should not be held  
1825 in contempt for failure to pay an order for child or spousal support  
1826 entered by the Superior Court or a family support magistrate, and (E)  
1827 issuance of a National Medical Support Notice in accordance with  
1828 section 46b-88, as amended by this act;

1829 (2) In non-TANF cases, have the authority to bring petitions for  
1830 support orders pursuant to section 46b-215, as amended by this act, file  
1831 agreements for support with the assistant clerk of the Family Support  
1832 Magistrate Division, and bring applications for show cause orders  
1833 pursuant to section 46b-172, as amended by this act, and in IV-D  
1834 support cases and cases under sections 46b-212 to [46b-213v] 46b-  
1835 213w, inclusive, as amended by this act, enforce foreign support orders  
1836 registered with the Family Support Magistrate Division pursuant to  
1837 sections 46b-213f to 46b-213i, inclusive, as amended by this act, and file  
1838 agreements for support with the assistant clerk of the Family Support  
1839 Magistrate Division;

1840 (3) In connection with any order or agreement entered by, or filed  
1841 with, the Family Support Magistrate Division, or any order entered by  
1842 the Superior Court in a IV-D support case, upon order, investigate the  
1843 financial situation of the parties and report findings to the family  
1844 support magistrate regarding: (A) Any pending motion to modify such  
1845 order or agreement; or (B) any request or application for modification  
1846 of such order or agreement made by an obligee;

1847 (4) Review child support orders (A) in non-TANF IV-D support

1848 cases (i) at the request of either parent or custodial party subject to a  
1849 support order, or (ii) upon receipt of information indicating a  
1850 substantial change in circumstances of any party to the support order,  
1851 (B) in TANF cases, at the request of the Bureau of Child Support  
1852 Enforcement, or (C) as necessary to comply with federal requirements  
1853 for the child support enforcement program mandated by Title IV-D of  
1854 the Social Security Act, and initiate an action before a family support  
1855 magistrate to modify such support order if it is determined upon such  
1856 review that the order substantially deviates from the child support  
1857 guidelines established pursuant to section 46b-215a or 46b-215b. A  
1858 requesting party under subparagraph (A)(i) or (B) of this subdivision  
1859 shall have a right to such review every three years without proving a  
1860 substantial change in circumstances, but more frequent reviews shall  
1861 be made only if such requesting party demonstrates a substantial  
1862 change in circumstances. There shall be a rebuttable presumption that  
1863 any deviation of less than fifteen per cent from the child support  
1864 guidelines is not substantial and any deviation of fifteen per cent or  
1865 more from the guidelines is substantial. Modification may be made of  
1866 such support order without regard to whether the order was issued  
1867 before, on or after May 9, 1991. In determining whether to modify a  
1868 child support order based on a substantial deviation from such child  
1869 support guidelines, consideration shall be given to the division of real  
1870 and personal property between the parties set forth in any final decree  
1871 entered pursuant to chapter 815j and the benefits accruing to the child  
1872 as the result of such division. No order for periodic payment of  
1873 support may be subject to retroactive modification, except that the  
1874 family support magistrate may order modification with respect to any  
1875 period during which there is a pending motion for modification of a  
1876 support order from the date of service of notice of such pending  
1877 motion to the opposing party pursuant to section 52-50.

1878 Sec. 62. Subsection (a) of section 52-362 of the general statutes is  
1879 repealed and the following is substituted in lieu thereof (*Effective*  
1880 *October 1, 2007*):

1881 (a) For purposes of this section:

1882 (1) "Dependent" means a spouse, former spouse or child entitled to  
1883 payments under a support order, provided Support Enforcement  
1884 Services of the Superior Court or the state acting under an assignment  
1885 of a dependent's support rights or under an application for child  
1886 support enforcement services shall, through an officer of Support  
1887 Enforcement Services or the Bureau of Child Support Enforcement  
1888 within the Department of Social Services or an investigator of the  
1889 Department of Administrative Services or the Attorney General, take  
1890 any action which the dependent could take to enforce a support order;

1891 (2) "Disposable earnings" means that part of the earnings of an  
1892 individual remaining after deduction from those earnings of amounts  
1893 required to be withheld for the payment of federal, state and local  
1894 income taxes, employment taxes, normal retirement contributions,  
1895 union dues and initiation fees, and group life and health insurance  
1896 premiums;

1897 (3) "Earnings" means any debt accruing to an obligor by reason of  
1898 such obligor's personal services, including any compensation payable  
1899 by an employer to an employee for such personal services whether  
1900 denominated as wages, salary, commission, bonus or otherwise,  
1901 including unemployment compensation if a purchase of service  
1902 agreement between the Commissioner of Social Services and the Labor  
1903 Commissioner is in effect pursuant to subsection (e) of section 17b-179,  
1904 as amended by this act;

1905 (4) "Employer" means any person, including the Labor  
1906 Commissioner, who owes earnings to an obligor;

1907 (5) "Income" means any periodic form of payment due to an  
1908 individual, regardless of source, including, but not limited to,  
1909 disposable earnings, workers' compensation and disability benefits,  
1910 payments pursuant to a pension or retirement program and interest;

1911 (6) "Obligor" means a person required to make payments under a  
1912 support order;

1913 (7) "Support order" means a court order, or order of a family  
1914 support magistrate including an agreement approved by a court or a  
1915 family support magistrate, that requires the payment to a dependent of  
1916 [either] current support, cash medical support, a specific dollar  
1917 amount of child care costs or arrearage payments; [, payments on an  
1918 arrearage, or both;]

1919 (8) "Unemployment compensation" means any compensation  
1920 payable under chapter 567, including amounts payable by the  
1921 administrator of the unemployment compensation law pursuant to an  
1922 agreement under any federal law providing for compensation,  
1923 assistance or allowances with respect to unemployment.

1924 Sec. 63. Subsection (e) of section 52-362 of the general statutes is  
1925 repealed and the following is substituted in lieu thereof (*Effective*  
1926 *October 1, 2007*):

1927 (e) A withholding order shall issue in the amount necessary to  
1928 enforce a support order against only such nonexempt income of the  
1929 obligor as exceeds the greater of (1) eighty-five per cent of the first one  
1930 hundred forty-five dollars per week of disposable income, or (2) the  
1931 amount exempt under Section 1673 of Title 15 of the United States  
1932 Code, or against any lesser amount which the court or family support  
1933 magistrate deems equitable. [The] Subject to subsection (d) of section  
1934 46b-88, as amended by this act, the withholding order shall secure  
1935 payment of past and future amounts due under the support order and  
1936 an additional amount computed in accordance with the child support  
1937 guidelines established in accordance with section 46b-215a, to be  
1938 applied toward liquidation of any arrearage accrued under such order,  
1939 unless contested by the obligor after a notice has been served pursuant  
1940 to subsection (c) of this section, in which case the court or family  
1941 support magistrate may determine the amount to be applied toward  
1942 the liquidation of the arrearage found to have accrued under prior  
1943 order of the court or family support magistrate. In no event shall such  
1944 additional amount be applied if there is an existing arrearage order  
1945 from the court or family support magistrate in a IV-D support case, as

1946 defined in subdivision (13) of subsection (b) of section 46b-231, as  
1947 amended by this act. Any investigator or other authorized employee of  
1948 the Bureau of Child Support Enforcement within the Department of  
1949 Social Services, or any officer of Support Enforcement Services of the  
1950 Superior Court, may issue a withholding order entered by the Superior  
1951 Court or a family support magistrate pursuant to subsection (b) of this  
1952 section, and shall issue a withholding order pursuant to this subsection  
1953 when the obligor becomes subject to withholding under subsection (c)  
1954 of this section. On service of the order of withholding on an existing or  
1955 any future employer or other payer of income, and until the support  
1956 order is fully satisfied or modified, the order of withholding is a  
1957 continuing lien and levy on the obligor's income as it becomes due.

1958 Sec. 64. Section 52-362e of the general statutes is repealed and the  
1959 following is substituted in lieu thereof (*Effective October 1, 2007*):

1960 (a) Subject to the provisions of section 52-362h, whenever an order  
1961 of the Superior Court or a family support magistrate for support of a  
1962 [minor] child or children is issued, and, in [TFA] IV-D support cases as  
1963 defined in subdivision (13) of subsection (b) of section 46b-231, as  
1964 amended by this act, the person against whom such order was issued  
1965 owes past-due support [of one hundred fifty dollars or more, or in  
1966 non-TANF IV-D support cases, as defined in subdivision (13) of  
1967 subsection (b) of said section 46b-231, the person against whom such  
1968 order was issued owes past-due support of five hundred dollars or  
1969 more] in the amount specified in subsection (c) of this section, the state  
1970 shall submit to the Internal Revenue Service through the federal Office  
1971 of Child Support Enforcement the name of such person and request  
1972 the withholding from refunds of federal income taxes owed to such  
1973 person of an amount equal to the past-due support, and payment of  
1974 such withheld amount to the state for distribution [to the state for  
1975 reimbursement of public assistance in TANF cases and in non-TANF  
1976 IV-D support cases for distribution to the guardian or custodial parent  
1977 of such minor child or children] in accordance with subsection (d) of  
1978 this section, after first deducting from [the] any amount payable to  
1979 [such] the guardian or custodial parent of such child a collection fee

1980 [determined by the Secretary of the Treasury to be] sufficient to  
1981 reimburse the Internal Revenue Service and the state for the cost of the  
1982 offset procedure.

1983 (b) (1) Subject to the provisions of subsection [(c)] (d) of this section,  
1984 whenever an order of the Superior Court or a family support  
1985 magistrate for support of a [minor] child or children is issued, and, in  
1986 [TANF] IV-D support cases, the person against whom such support  
1987 order is issued owes past-due support [of one hundred fifty dollars or  
1988 more, or in non-TANF IV-D support cases the person against whom  
1989 such order is issued owes past-due support of five hundred dollars or  
1990 more] in the amount specified in subsection (c) of this section, the  
1991 Department of Social Services shall submit to the Commissioner of  
1992 Administrative Services the name of such person and request the  
1993 withholding from refunds of state income taxes owed to such person  
1994 of an amount equal to the past-due support, and payment of such  
1995 withheld amount by the Commissioner of Revenue Services to the  
1996 state for distribution [to the state for reimbursement of public  
1997 assistance in TANF cases and in non-TANF IV-D support cases for  
1998 distribution to the guardian or custodial parent of such minor child or  
1999 children] in accordance with subsection (d) of this section.

2000 (2) Whenever an order of the Superior Court or family support  
2001 magistrate is issued against a parent to cover the cost of health  
2002 insurance for a child who is eligible for Medicaid and such parent has  
2003 received payment from a third party for the costs of services provided  
2004 under such health coverage for such child but such parent has not used  
2005 such payments to reimburse, as appropriate, either the other parent or  
2006 guardian or the provider of such services, the Commissioner of Social  
2007 Services shall submit to the Commissioner of Administrative Services  
2008 the name of such person and request the withholding from refunds of  
2009 state income taxes owed to such person of an amount necessary to  
2010 reimburse the Department of Social Services for such costs under the  
2011 Medicaid program, and payment of such amount shall be withheld by  
2012 the Commissioner of Revenue Services and distributed to the  
2013 Department of Social Services for reimbursement. However, any

2014 claims for current or past due child support shall take priority over  
2015 any such claims for the costs of such services.

2016 (c) The amount of past-due support qualifying a IV-D support case  
2017 for use of the federal income tax refund withholding procedure under  
2018 subsection (a) of this section or the state income tax refund  
2019 withholding procedure under subdivision (1) of subsection (b) of this  
2020 section shall be: (1) One hundred fifty dollars or more in temporary  
2021 family assistance cases under section 17b-112; and (2) five hundred  
2022 dollars or more in nontemporary family assistance cases.

2023 [(c)] (d) Support collected pursuant to this section shall be  
2024 distributed as required by Title IV-D of the Social Security Act.

2025 [(d)] (e) The Commissioner of Social Services shall adopt  
2026 regulations, in accordance with chapter 54, setting forth procedures in  
2027 compliance with federal law and regulations under Title IV-D of the  
2028 Social Security Act providing for adequate notice of (1) the right to a  
2029 review by Support Enforcement Services of the Superior Court, (2) the  
2030 right to a fair hearing before a hearing officer, (3) a list of available  
2031 defenses including the defense described in section 52-362h, and (4)  
2032 procedures for a fair hearing for any person who is alleged to owe  
2033 past-due support and is subject to the provisions of this section.

2034 Sec. 65. (NEW) (*Effective January 1, 2008*) (a) Notwithstanding any  
2035 provision of the general statutes, the Commissioner of Motor Vehicles  
2036 shall not issue a renewal of registration for any recreational vehicle;  
2037 antique, rare or special interest motor vehicle; motorcycle; snowmobile  
2038 or all-terrain vehicle; or vessel for the next registration period if the  
2039 owner thereof has been identified by the IV-D agency, as defined in  
2040 subdivision (12) of subsection (b) of section 46b-231 of the general  
2041 statutes, as amended by this act, as a child support obligor owing at  
2042 least five thousand dollars past-due support in a IV-D case, as defined  
2043 in subdivision (13) of subsection (b) of section 46b-231 of the general  
2044 statutes, as amended by this act.

2045 (b) The Commissioner of Motor Vehicles and the IV-D agency shall

2046 enter into an agreement for the exchange of information necessary for  
2047 the purposes of this section. Such agreement shall include provision  
2048 for: (1) Automated data exchange to the maximum extent feasible, (2)  
2049 release of owner information to the IV-D agency pursuant to  
2050 subparagraph (A) (vii) of subdivision (1) of subsection (b) of section  
2051 17b-137 of the general statutes, and (3) notice to the applicant for  
2052 registration who is identified by the IV-D agency under subsection (a)  
2053 of this section of: (A) The reason for refusal to renew the registration of  
2054 the motor vehicle or vessel, (B) the amount of past-due support alleged  
2055 to be owing, and (C) the right to request a fair hearing before a hearing  
2056 officer of the Department of Social Services pursuant to section 17b-60  
2057 of the general statutes either: (i) To challenge the identification of such  
2058 applicant as a child support obligor owing at least five thousand  
2059 dollars past-due support in a IV-D support case, or (ii) to show that the  
2060 vehicle being denied renewal of registration under subsection (a) of  
2061 this section is used in the applicant's trade or business, or is necessary  
2062 for the applicant to commute to and from such applicant's place of  
2063 employment.

2064 (c) If a hearing officer finds, pursuant to a hearing held under  
2065 subsection (b) of this section, that the applicant for renewal of  
2066 registration was incorrectly identified as a child support obligor owing  
2067 at least five thousand dollars past-due support in a IV-D support case,  
2068 or that the vehicle being denied renewal of registration under  
2069 subsection (a) of this section is used in the applicant's trade or  
2070 business, or is necessary for the applicant to commute to and from  
2071 such applicant's place of employment, the IV-D agency shall so notify  
2072 the Commissioner of Motor Vehicles, who shall take any action on the  
2073 application for renewal of registration that may be warranted under  
2074 subpart A of part III of chapter 246 of the general statutes.

2075 Sec. 66. Subsection (a) of section 12-742 of the general statutes is  
2076 repealed and the following is substituted in lieu thereof (*Effective*  
2077 *October 1, 2007*):

2078 (a) In cases where any person or entity is due a refund of state

2079 income taxes, and that same person owes a debt or obligation for  
 2080 which the Commissioner of Administrative Services is seeking  
 2081 reimbursement, the Commissioner of Revenue Services, upon  
 2082 notification by the Commissioner of Administrative Services, shall  
 2083 withhold the payment of said refund to such person or entity to the  
 2084 extent of such debt or obligation, provided the Commissioner of  
 2085 Revenue Services shall notify such debtor that he or she has the right  
 2086 to a hearing before an officer designated by the Commissioner of  
 2087 Administrative Services if he or she contests the validity or amount of  
 2088 the Commissioner of Administrative Services' claim, except that where  
 2089 the debt or obligation is a debt resulting from failure to pay an order  
 2090 for child support, the administrative review process will be held in  
 2091 accordance with subsection [(c)] (e) of section 52-362e, as amended by  
 2092 this act. If the debtor fails to apply in writing to the Commissioner of  
 2093 Administrative Services for a hearing within sixty days of the issuance  
 2094 of notice of withholding, the Commissioner of Revenue Services shall  
 2095 remit the amount of the withheld refund to the Commissioner of  
 2096 Administrative Services. If the debtor elects an administrative hearing  
 2097 within this time, the Commissioner of Revenue Services shall remit the  
 2098 amount of the withheld refund in accordance with any decisions of the  
 2099 hearing officer or the court upon an appeal of the hearing officer's  
 2100 decision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	17b-77
Sec. 2	October 1, 2007	17b-179(h)
Sec. 3	October 1, 2007	17b-745(a)(2)(A)
Sec. 4	October 1, 2007	17b-745(a)(7)(A)
Sec. 5	October 1, 2007	38a-497a(e)
Sec. 6	October 1, 2007	46b-84(b)
Sec. 7	October 1, 2007	46b-84(f)
Sec. 8	October 1, 2007	46b-88(b)(1)
Sec. 9	October 1, 2007	46b-88(d)
Sec. 10	October 1, 2007	46b-160(a)
Sec. 11	October 1, 2007	46b-171(a)(2)
Sec. 12	October 1, 2007	46b-172(b)(4)

Sec. 13	<i>October 1, 2007</i>	46b-172(c)(3)
Sec. 14	<i>January 1, 2008</i>	46b-212
Sec. 15	<i>January 1, 2008</i>	46b-212a
Sec. 16	<i>January 1, 2008</i>	46b-212b
Sec. 17	<i>January 1, 2008</i>	46b-212c
Sec. 18	<i>January 1, 2008</i>	46b-212d
Sec. 19	<i>January 1, 2008</i>	46b-212e
Sec. 20	<i>January 1, 2008</i>	46b-212f
Sec. 21	<i>January 1, 2008</i>	46b-212h
Sec. 22	<i>January 1, 2008</i>	46b-212i
Sec. 23	<i>January 1, 2008</i>	46b-212j
Sec. 24	<i>January 1, 2008</i>	46b-212k
Sec. 25	<i>January 1, 2008</i>	46b-212l
Sec. 26	<i>January 1, 2008</i>	46b-212m
Sec. 27	<i>January 1, 2008</i>	46b-212o
Sec. 28	<i>January 1, 2008</i>	46b-212p
Sec. 29	<i>January 1, 2008</i>	46b-212q
Sec. 30	<i>January 1, 2008</i>	46b-212r
Sec. 31	<i>January 1, 2008</i>	46b-212s
Sec. 32	<i>January 1, 2008</i>	46b-212t
Sec. 33	<i>January 1, 2008</i>	46b-212v
Sec. 34	<i>January 1, 2008</i>	46b-212w
Sec. 35	<i>January 1, 2008</i>	46b-212x
Sec. 36	<i>January 1, 2008</i>	46b-212z
Sec. 37	<i>January 1, 2008</i>	46b-213
Sec. 38	<i>January 1, 2008</i>	46b-213a
Sec. 39	<i>January 1, 2008</i>	46b-213b
Sec. 40	<i>January 1, 2008</i>	46b-213d
Sec. 41	<i>January 1, 2008</i>	46b-213e
Sec. 42	<i>January 1, 2008</i>	46b-213f(a)
Sec. 43	<i>January 1, 2008</i>	46b-213g
Sec. 44	<i>January 1, 2008</i>	46b-213h
Sec. 45	<i>January 1, 2008</i>	46b-213j
Sec. 46	<i>January 1, 2008</i>	46b-213k
Sec. 47	<i>January 1, 2008</i>	46b-213l
Sec. 48	<i>January 1, 2008</i>	46b-213m
Sec. 49	<i>January 1, 2008</i>	46b-213p
Sec. 50	<i>January 1, 2008</i>	46b-213q
Sec. 51	<i>January 1, 2008</i>	46b-213r
Sec. 52	<i>January 1, 2008</i>	46b-213s
Sec. 53	<i>January 1, 2008</i>	46b-213t

Sec. 54	<i>January 1, 2008</i>	46b-213u
Sec. 55	<i>January 1, 2008</i>	46b-213v
Sec. 56	<i>January 1, 2008</i>	46b-213w
Sec. 57	<i>October 1, 2007</i>	46b-215(a)(2)
Sec. 58	<i>October 1, 2007</i>	46b-215(a)(3)
Sec. 59	<i>October 1, 2007</i>	46b-223
Sec. 60	<i>October 1, 2007</i>	46b-224
Sec. 61	<i>October 1, 2007</i>	46b-231(s)
Sec. 62	<i>October 1, 2007</i>	52-362(a)
Sec. 63	<i>October 1, 2007</i>	52-362(e)
Sec. 64	<i>October 1, 2007</i>	52-362e
Sec. 65	<i>January 1, 2008</i>	New section
Sec. 66	<i>October 1, 2007</i>	12-742(a)

**HS**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** See below

**Municipal Impact:** None

**Explanation**

This bill makes state law conform to provisions of the federal Deficit Reduction Act (DRA) of 2005. These changes will result in more child support going to the custodial parent, rather than the state, thereby reducing state revenue. The extent of this potential decrease in reimbursement is not known.

The bill also requires the Bureau of Child Support Enforcement to collect a \$25 annual fee for certain individuals receiving support enforcement services, as required by DRA. The net revenue received from this fee cannot be determined as the DRA allows the state to pay this fee on behalf of individuals. Until federal regulations regarding this provision are finalized, it is not known to what extent the state would be required to pay this fee.

Various other changes included in this bill may facilitate collection of child support, which may increase the reimbursement to the General Fund for state assistance. The extent of this potential increase in reimbursement is not known.

The bill prohibits the Department of Motor Vehicles from renewing registrations on various recreational vehicles, antique, rare or special interest motor vehicles, motorcycles, snowmobiles, all terrain vehicles (ATV) and boats belonging to child support obligators who owe at least \$5,000 in back child support payments. There is a revenue loss to the Transportation Fund anticipated to be \$200,000 annually.

There is a one-time cost of \$150,000 occurring in FY 08 for computer programming and system changes in addition to an ongoing cost of \$20,000 per year for information technology charges to the DMV. The cost estimate takes into consideration that there are multiple computer programs and cashiering systems for processing registrations which are not interconnected. Therefore each must be programmed individually to perform the required checks under provisions of this bill. The table below presents the various types of registrations subject to such checks.

In addition, the DMV will require three Examiners at a cost of \$210,000 in the Boating, Mail Operations Unit and Branches and one DP Operator Specialist at a cost of \$60,000 for file maintenance.

<u>Type of Vehicle</u>	<u>Number of Registrations</u>
All Terrain Vehicles (ATV)	532
Antique, Rare or Special Interest	15,432
Boats/Vessels	117,679
Campers	4449
Golf Carts	37
Motorcycles	34,393
Snowmobiles	<u>269</u>
<b>Total</b>	<b>172,791</b>

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 7361*****AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT  
PROGRAM COMPLIANCE AND IMPROVEMENTS.*****SUMMARY:**

The bill makes changes in state law to conform with child support provisions in the federal Deficit Reduction Act of 2005. First, it allows the state in IV-D child support cases to collect arrearages through state and federal income tax refund offsets for children who have reached the age of majority. A IV-D support case is one in which the child has received state assistance under Temporary Family Assistance (TFA), HUSKY A, or certain other state programs or the custodial parent asks the state's designated IV-D agency, which is the Bureau of Child Support Enforcement (BCSE), for help to collect child support. Currently, these offsets are allowed only for minors. Second, it limits the amount of support the state can require applicants for TFA to assign to the state as a condition of qualifying for assistance. Third, it requires the BCSE to impose a \$25 annual fee on certain individuals receiving support enforcement services. Finally, it allows the use of National Medical Support notices to enforce medical support orders of custodial, as well as noncustodial parents.

The bill prohibits the Department of Motor Vehicles (DMV) from renewing registrations on various recreational vehicles; boats; and antique, rare, or special interest cars belonging to child support obligors who owe at least \$5,000 in past-due child support. It establishes a procedure for (1) the Department of Social Services (DSS) to notify DMV about the past-due support, (2) DMV to notify the obligor, and (3) the obligor to ask DSS for a hearing to challenge the allegations.

The bill creates a reasonable cost standard for medical insurance that a court can use in deciding whether to require a parent to pay for the insurance. It also allows a court to require both parents, instead of either parent, to provide or contribute to the cost of health insurance.

It makes two conforming changes consistent with prior state legislation. Specifically, it:

1. extends to all Superior Court family relations matters an existing requirement that if the Superior court transfers custody in a juvenile matter, but fails to address support, the prior support order is automatically either suspended or the order's payee is changed and
2. requires continuation of support payments for children who are the subject of support orders resulting from marriage dissolution beyond age 18 under certain circumstances, even if they do not live with a parent.

It removes the requirement for the Chief Court Administrator's office to approve various forms used by the state's IV-D agency (the BCSE in DSS).

This bill makes substantial changes to Connecticut's Uniform Interstate Family Support Act, (UIFSA) to conform it with 1991 amendments adopted by the National Council of Commissioners of Uniform State Laws. UIFSA generally governs the establishment, enforcement, and modification of support orders and paternity determinations when the laws of two or more states could apply and the person requesting enforcement does not live in the state that has jurisdiction to enforce the order.

Its major changes include (1) new and modified definitions that the bill makes applicable to all throughout UIFSA, (2) limitations on states' authority to modify child and spousal support orders issued by other tribunals, and (3) new rules and procedures when one or more of the tribunals is a foreign country or one of its political subdivisions.

The bill also extends many UIFSA procedures to income withholding orders and eliminates a provision in current law prohibiting any employer from withholding income from an employee's paycheck when notified of a pending contest to the underlying income withholding order.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2008 for the UIFSA changes. Various as indicated for other provisions.

### **COMPLIANCE WITH FEDERAL DEFICIT REDUCTION ACT**

#### ***(§§ 64 & 66) Allowing Income Tax Offsets for Adult Children in IV-D Cases***

The law requires the state to withhold state and federal income tax refunds from child support obligors who owe past due support. (For federal refunds, the state submits requests to the Internal Revenue Service (IRS) through the federal child support agency.) This withholding is for obligors owing \$150 or more in cases in which the custodial parent is a TFA recipient, or \$500 or more in non-TFA cases. The amount withheld is paid to the state for TFA cases. It is distributed to the child or children's custodial parent or guardian in non-TFA cases. Under current law, these "offsets" can be taken only as long as the child for whom the support is due is a minor. The bill allows it to also occur even when a child turns age 18.

By law, which the bill does not change, these obligors have the right to a hearing to contest these offsets.

The bill explicitly requires that the fee collected to pay for the offset costs be sufficient to reimburse the state, as well as the IRS, for offset collection-related costs. In practice, the state already collects an offset fee.

Federal law allows states to use the offset to collect support arrearages when the child is a minor, but under prior law, once the child turned age 18, states could use the offset only when the money to

be offset would be owed to the state (i.e., a TFA case). The 2005 Deficit Reduction Act (DRA) allows this to be applied in all IV-D cases. The DRA provision is effective on October 1, 2007.

EFFECTIVE DATE: October 1, 2007

***(§ 1) Limiting the Amount of Support Assigned to State***

Under current law, as a condition of receiving TFA, program applicants must assign to the state any right to any past, present, or future child support that the noncustodial parent might provide. Starting October 1, 2008, the bill limits the assignment so that it applies only to support rights that accrue during the time the family receives TFA, and the amount assigned can be no more than the amount of TFA the family receives.

The DRA requirement is effective October 1, 2009 but its implementation can occur anytime between October 1, 2008 and October 1, 2009.

EFFECTIVE DATE: October 1, 2008

***(§ 2) Support Enforcement Annual Fee for Non-TANF Families***

The bill requires the BCSE, in the case of an individual who never received Temporary Assistance for Needy Families (TANF) and for whom the state has collected at least \$500 of support in a one-year period, to impose a \$25 annual fee for each case in which the bureau provides services. (It is not clear whether the annual fee would be paid if collections were less than \$500 in some years.)

The fee can be collected in one of four ways: (1) the state retains the excess of the first \$500, (2) the applicant for support enforcement pays it, (3) the state recovers it from the absent parent, or (4) the state pays it.

The DRA requires states to impose the annual fee (and establishes these four payment options) on individuals who have never received TANF-funded assistance. (TANF is a federal block grant which, in

Connecticut, pays for TFA and a number of other programs, including child care assistance.)

EFFECTIVE DATE: October 1, 2007

**(§§ 5, 8, 61) Use of National Medical Support Notice to Enforce Medical Support Orders of Custodial Parents in IV-D Cases**

Federal law requires all states to use a standardized form to notify an employer to withhold premiums from an employee's income when a parent is ordered to provide health care coverage for his or her children. This form is called the National Medical Support Notice (NMSN).

The bill provides that a NMSN operates to enroll a child in the custodial, as well as non-custodial parent's health care plan, making it an enforceable order. By law, this occurs only when the portion of either parent's income subject to withholding is sufficient to cover both the current child support order and health care coverage available to either parent. The bill permits each parent, not just the noncustodial one, to contest these orders.

The bill conforms law to practice by making it clear that the Judicial Department's Support Enforcement Services (SES), as well as BCSE, can use the NMSN to enforce medical support orders for noncustodial parents, and it extends this authority to orders for custodial parents. SES is primarily responsible for court-based enforcement of support orders.

The DRA requires that IV-D support orders include a provision for either or both parents to provide medical support, but does not require enforcement against the custodial parent. State law already authorizes medical support orders against either or both parents.

EFFECTIVE DATE: October 1, 2007

**(§§ 3, 7, 9, 11, 57, 62, 63) MEDICAL INSURANCE REQUIREMENT AND REASONABLE COST STANDARDS**

By law, a court ordering child support must include health

insurance coverage orders for the children. Under current law, the court may order either parent to cover the child on his or her health insurance. The bill specifically allows the court to require either or both parents to provide this coverage and contribute to the cost of the insurance, consistent with the new DRA requirement (although in practice the courts had already interpreted Connecticut's existing law as covering either or both parents).

Under current law, parents are required to provide this insurance only if it is available at reasonable cost (but the law does not define "reasonable cost"). If it is not available privately at reasonable cost (the bill also adds if it is inaccessible to the child), the court can require either parent to apply for the state's HUSKY B program, but it can only require noncustodial parents to do so if they have sufficient ability to pay the appropriate premium. The bill replaces the sufficient ability to pay requirement with the reasonable cost standard.

The bill specifies that the cost of health care coverage must be deemed reasonable if, under the child support guidelines: (1) the obligated parent qualifies as low-income, based solely on the parent's income, and the cost does not exceed 5% of the parent's gross income, or (2) the obligated parent does not qualify as low-income and the cost does not exceed 7.5% of the parent's gross income. (According to Connecticut's child support guidelines, noncustodial parents are counted as low-income if their net weekly income is, for instance, under \$250 and they are responsible for one child's support, \$300 for two children, and gradually higher amounts for more children.)

Under current law, if the noncustodial parent in a IV-D support case is not financially able to provide health insurance and the custodial parent is the HUSKY Plan Part A or B applicant, the court can order the noncustodial parent to pay an amount the court specifies. The bill replaces this provision with authority for the court to order either parent to provide "cash medical support" but allows an order under this provision only if the cost to the parent obligated to maintain the insurance is reasonable as described above.

The bill defines “cash medical support” as an amount ordered to be paid toward the cost of health insurance provided by a public entity, including HUSKY A or B, or by another parent through employment or otherwise, or for other medical costs not covered by insurance. The bill allows cash medical support to be ordered in place of an order for health insurance, effective until health insurance that is reasonable in cost and accessible to the child becomes available, or in addition to a health insurance order, as long as the combined cost of insurance and cash medical support is reasonable. As under current law, noncustodial parents who qualify as low-income under the child support guidelines, do not have to pay cash medical support to offset the cost of HUSKY A or B.

The bill specifies that an order for payment of the child’s medical and dental expenses that are not covered by insurance or reimbursed in some other way is still treated the usual way under the child support guidelines.

The bill updates the definition of “support order” by adding (1) cash medical support and (2) a specific dollar amount of child care costs. (Courts already have the authority to specify the dollar amount of child care costs under the child support guidelines.)

The bill requires employers to give priority to an order to withhold part of an employee’s pay for medical support obligations over all support obligations, other than current child and spousal support, when a child support enforcement agency issues an NMSN to inform an employer about the medical support order and the employer’s obligation under it, including the obligation to withhold funds from the employee’s pay for the health insurance ordered.

It also makes conforming changes in other sections of statute.

EFFECTIVE DATE: October 1, 2007

**(§ 65) DMV NOTIFICATION OF PAST-DUE CHILD SUPPORT AND  
NON-RENEWAL OF RECREATIONAL VEHICLE REGISTRATIONS**

The bill prohibits DMV from issuing a registration renewal for any recreational vehicle; antique, rare, or special interest motor vehicle; motorcycle; snowmobile; all-terrain vehicle; or vessel for the next registration period if the IV-D agency has identified the owner as someone who owes at least \$5,000 past-due child support in a IV-D case.

The bill requires the DMV commissioner and the IV-D agency to enter into an agreement to exchange information needed for the purposes of this requirement. Under the bill, the agreement must provide for:

1. automated data exchange to the maximum extent feasible;
2. release of owner information to the IV-D agency; and
3. a notice to the applicant for registration containing specified information.

The notice must contain:

1. the reason for the refusal to renew the registration,
2. the amount of past-due support the person is alleged to owe, and
3. the right to request a fair hearing before a DSS hearing officer either to (a) challenge the applicant's identification as someone who owes past-due child support or (b) show that the vehicle in question is used in the applicant's trade or business or is needed for the applicant to commute to and from the applicant's place of employment.

If, as a result of the hearing, the hearing officer finds that the person was incorrectly identified as owing at least \$5,000 past-due child support or that the vehicle in question is used in the person's trade or business or is needed for the person to commute to and from the person's place of employment, the IV-D agency must so notify the

DMV commissioner, who must then take appropriate action.

EFFECTIVE DATE: January 1, 2008

**(§ 60) EXTENSION OF AUTOMATIC SUSPENSION OF PRIOR SUPPORT ORDER OR CHANGE OF PAYEE WHEN COURT TRANSFERS CUSTODY IN FAMILY RELATIONS MATTERS BUT FAILS TO ADDRESS SUPPORT**

Current statute, established by PA 04-100, requires that if a Probate Court in a guardianship matter or the Superior Court in a juvenile matter changes the custody of a child who is subject to a pre-existing support order but fails to address a change in support, the custody change operates to (1) automatically suspend the pre-existing support order if custody is transferred to the obligor under the support order or (2) modify the payee of the support order to be the person the court awards custody to, if that person is someone other than the obligor.

The bill extends this requirement to all types of Superior Court family relations matters, not just juvenile matters.

EFFECTIVE DATE: October 1, 2007

**(§ 6) POST-MAJORITY SUPPORT FOR CHILD OF DIVORCED OR SEPARATED PARENTS NOT LIVING WITH A PARENT**

The bill requires continuation of support payments for children who are subject to support orders in marriage dissolution cases, even if they do not live with a parent, beyond age 18, up to the age of 19 or until they complete the 12<sup>th</sup> grade, whichever occurs first. Last year, PA 06-149 made this same change for various other types of support orders to include children living with a caretaker other than their parent.

EFFECTIVE DATE: October 1, 2007

**(§§ 4, 10, 12, 13, 58, 59) PROMULGATION OF AGREEMENT AND PETITION FORMS FOR IV-D CASES**

The bill removes the requirement for the Office of the Chief Court Administrator to prescribe forms for paternity and support petitions, and agreements to support, which are used by the IV-D agency or a

cooperating support enforcement agency consistent with various support order statutes. It still requires that Office's approval on non-IV-D cases and makes several technical and conforming changes.

EFFECTIVE DATE: October 1, 2007

### **(§ 15 — 56) UIFSA CHANGES**

The bill makes substantial changes to Connecticut's Uniform Interstate Family Support Act (UIFSA), so that it becomes similar to 1991 amendments adopted by the National Council of Commissioners of Uniform State Laws. UIFSA generally seeks to establish rules for determining which order should be given effect when two or more states have issued conflicting support or modification orders involving the same parties.

Its main changes include (1) limitations on Connecticut and other states' ability to modify child and spousal support orders issued by other tribunals, (2) new provisions bringing more foreign countries and their political subdivisions under UIFSA rules, and (3) authorizing use of more UIFSA procedures to enforce or modify income withholding orders (wage garnishments).

The bill also eliminates a provision in current law prohibiting employers from withholding income from an employee's paycheck when notified that a contest to the underlying order is pending.

It is unclear how the bill would affect UIFSA proceedings when one state has conformed its UIFSA law to the 1991 amendments but the other state has not.

The bill also makes minor, technical, and conforming changes.

### ***Responding and Initiating States***

The law authorizes state tribunals (defined as courts, administrative agencies, or quasi-judicial authorities) to act as either initiating or responding tribunals in proceedings to establish, enforce, or modify support orders or to determine paternity. The tribunal that requests

another state's assistance is the initiating tribunal. The tribunal that provides the assistance is the responding tribunal.

**(§§ 18, 21, 49, 50, and 51) Modifying Support Orders**

The law generally prohibits any tribunal from issuing, enforcing, or modifying child support orders unless it has the authority to make its action legally binding on both (1) the party entitled to, or seeking support (the obligee) and (2) the party responsible, or claimed to be responsible, for paying the support (the obligor). In most cases, this requirement is met when the tribunal has, or is able to establish, personal jurisdiction over the parties. UIFSA has its own rules governing personal jurisdiction but also accepts personal jurisdiction based on other constitutionally acceptable means (see BACKGROUND).

UIFSA also has rules limiting modification actions involving parties over whom it has personal jurisdiction based on their residency. (For example, it prohibits out-of-state courts from modifying orders when the affected child lives in the state that issued the support order.)

The bill limits the circumstances under which Connecticut's designated child support enforcement court (the Family Support Magistrate Division of the Superior Court) can exercise its personal jurisdiction over people who live out-of-state. The principal changes the bill makes are: (1) creating special residency rules for parties seeking to modify child support orders in Connecticut, (2) requiring family support magistrates (FSM) to follow another state's rules in determining the duration of a modified child support order it issues, and (3) limiting a FSM's ability to enforce some portions of its own orders.

But the bill expands the court's authority to modify the orders of foreign countries and their political subdivisions.

**(§ 50) New residency rules.** Current law allows a FSM to modify another state's child support order regardless of whether the parties or child live here. The bill restricts the court's authority to modify these

orders to situations where the parties live in Connecticut and the child (who need not live here) does not live in the state that issued the order. It also allows modifications when at least one party or child lives in Connecticut and the parties consent in the issuing state to transfer the case to Connecticut.

**(§ 50) Prohibiting FSMs from Applying Connecticut Law to Determining the Duration of a Support Obligation.** Currently, Connecticut law governs all aspects of its modification proceedings and decisions. The bill requires that FSMs, instead, apply the law of the state that issued the first controlling order to issues regarding the duration of the support obligation. (Depending on the circumstances, this could be either the court that issued the order or the first court that modified it.) The bill prohibits FSMs from imposing any further support obligation on the obligee.

**(§ 51(a)) Limiting Connecticut's Ability to Enforce Portions of its Own Orders.** After another state has modified a child support order issued in Connecticut, FSMs currently retain authority to enforce (1) unmodifiable aspects of the order and (2) arrearages owed before its order was modified. The bill eliminates the FSM's ability to enforce non-modifiable aspects of its order. But it allows a FSM to bring proceedings to collect the interest that had accrued on its order.

**(§§ 15, 32 & 51(b)) Expanding FSM Ability to Modify Foreign Child Support Orders.** Current law permits FSMs to modify child support orders of any foreign country or its political subdivision when the foreign entity does not have a law like UIFSA. The bill, instead, allows it to modify the orders of foreign entities who do not have UIFSA-like procedures but have been granted reciprocity by federal, state, or common law (i.e., those the bill designates as appropriate initiating and responding tribunals).

The bill also allows FSMs to modify a foreign entity's child support order when the entity will not, or cannot, act. It may do so regardless of whether the party seeking modification is (1) a Connecticut resident or (2) all of the parties have consented to the FSM issuing a

modification order. The bill makes the Connecticut order controlling.

**(§ 21) Continuing, Exclusive Jurisdiction.** Under UIFSA, once a court that has personal jurisdiction over the parties issues a child support order, that court is deemed to have continuing, exclusive jurisdiction over all aspects of its terms and any future modification proceedings. Its order is controlling over all others. It retains this status until the order is properly modified by another tribunal pursuant to UIFSA rules. When this occurs, the issuing court's continuing, exclusive jurisdiction passes to the state that modified the order. That state's order becomes controlling in such case.

Under current law, a FSM or Superior Court judge that has personal jurisdiction over the parties has continuing, exclusive jurisdiction (1) while the obligor, obligee, or child lives in Connecticut or (2) when all of the parties have given consent in a Connecticut forum to the state's tribunal modifying the order and subsequently having continuing, exclusive jurisdiction over the proceedings. The bill modifies the consent provision, allowing the parties to consent in any tribunal to Connecticut jurisdiction so long as either the child or at least one parent does not live in Connecticut. And it specifies that the Connecticut court retains its personal jurisdiction over the parties so long as it has continuing, exclusive authority to modify the order or continuing jurisdiction to enforce it.

Current law permits Connecticut to act as a responding tribunal to enforce or modify a child support order when it has continuing, exclusive jurisdiction. The bill allows it to enforce an order when its continuing jurisdiction is not exclusive.

The bill also modifies the conditions that terminate a Connecticut court's exclusive jurisdiction. Under current law, it ends when the order is modified by another tribunal in another state under a law comparable to UIFSA. The bill ends Connecticut's exclusive jurisdiction if (1) all parties consent in a Connecticut court to grant another state's tribunal continuing, exclusive jurisdiction, as long as that tribunal has jurisdiction over at least one party or the child lives

there and (2) Connecticut's order is not the controlling order.

**(§ 23) *Determining Which Order is Controlling.*** When more than one tribunal issues child support orders directed at the same obligor and child, existing law sets rules the FSM must use to determine which order is controlling (i.e., must be legally recognized). The bill prohibits FSMs from making this determination unless they have personal jurisdiction over both parties. It allows any individual party or child support enforcement agency to request that the determination be made. In addition to giving other parties notice, as required under existing law, the bill requires the party or enforcement agency to provide copies of all support orders and a payment schedule.

Current law requires FSMs to determine which of several child support orders is controlling if an obligor living in Connecticut makes the request. (The orders need not be directed at the same obligor and child.) The bill allows any individual party or support enforcement agency to make the request, regardless of where they live or are located.

As with the situations described above, FSMs cannot make this determination unless personal jurisdiction has been established over the parties. In addition to the notice and documentation already required, the bill requires the requestor to provide a payment schedule.

When the FSM determines which of several support orders is controlling, or issues its own order when no order controls, the bill requires that the magistrate include in his order (1) the reasons for the determination (existing law already requires this), (2) any amount of prospective (future) support, and (3) the amount of consolidated arrears and accrued interest. The magistrate must credit payments made under all of the orders before making the latter determination.

The bill gives the tribunal that issued the order that the FSM determines is controlling continuing jurisdiction over it to the extent allowed under other UIFSA provisions. Current law makes the issuing

court's jurisdiction both continuing and exclusive. One effect of this change would allow the FSM to modify that tribunal's order in the same proceeding in which this determination was made.

The bill specifies that a Connecticut tribunal that has lost continuing, exclusive jurisdiction can still serve as an initiating state to ask another state to modify its own order.

The bill specifies that the FSM's determination of the controlling order or judgment for consolidated arrears and interest must be recognized in UIFSA proceedings.

***Calculating Arrearages and Other Provisions of Support Orders.*** Currently, the law of the state that issued an order governs its nature and the extent and duration and payment of arrearages. The bill limits this rule to registered orders. It requires a responding state to apply the law of the issuing state when calculating the amount of accrued arrearages, as well as accrued interest and the existence and satisfaction of other obligations under its order.

The bill makes explicit the requirement that the FSM determine how to credit amounts collected for a particular period under all child support orders for the same child issued by Connecticut and other states' courts. Current law requires the credits to be applied for the same period only with respect to its application to the Connecticut order.

***(§ 21) Modifying Spousal Support (Alimony) Orders.*** Currently, neither a FSM nor Superior Court judge can modify another state's spousal support order when the issuing court has continuing, exclusive jurisdiction over the order and any proceedings to modify it. The bill specifies that no other state may ever modify a Connecticut order so long as it is controlling. But it authorizes a FSM to (1) ask another state to enforce it or (2) serve as a responding tribunal to enforce or modify it.

***Increasing Foreign Government Participation.*** The bill expands

how foreign countries and their political subdivisions (Canadian provinces are an example of the latter) can act as UIFSA initiating and responding tribunals. Current law includes only those with procedural laws or established procedures similar to UIFSA. The bill allows other foreign entities to serve as tribunals. They must have:

1. been designated reciprocating entities under U.S. law;
2. established a reciprocal child support arrangements with the initiating or responding state, as the case may be; or
3. be entitled to have their child support orders recognized by the law of the appropriate state's common law doctrine of comity.

The bill authorizes Connecticut's attorney general to determine whether a foreign country or subdivision has established a reciprocal child support enforcement arrangement with Connecticut. He must take appropriate action to give notice of his determination. The bill does not specify those who must receive this notice. The attorney general can make this determination at any time; it need not be made in the context of a pending case.

**Currency Conversions.** When a foreign country or its political subdivision is the responding state, the bill requires the initiating tribunal, upon request, to (1) specify the amount of the order, (2) convert it to foreign currency using the country's publicly reported official or market exchange rate, and (3) provide documents to satisfy its needs. Current law does not require the currency conversion.

**(§§ 35, 38, & 41) Miscellaneous Changes in Tribunal Proceedings.** The law authorizes responding tribunals to seal private information after a hearing and finding that its disclosure would unreasonably place at risk a child or party's health, safety, or liberty. The bill requires the information to be sealed as soon as the court receives an affidavit making this claim. It cannot disclose the information it places under seal until it has held a hearing, presumably outside the presence of the other party, and issue an order lifting the

seal.

The law permits FSMs to issue temporary child support orders if the obligor's parentage (1) has been legally established or (2) is supported by clear and convincing evidence (such as genetic testing). The bill allows FSMs to issue temporary orders in other situations with a less stringent evidentiary standard. These are when the obligor:

1. is presumed to be the child's father (e.g., he is identified as the father on the child's birth certificate),
2. is petitioning to have paternity established,
3. is claimed to be the child's father and has refused to take a genetic test, or
4. is subject to an existing child support order that has not been reversed or vacated.

The bill requires the FSM also to find that it is appropriate to end such an order.

Finally, the bill requires the court to allow nonresident parties and witnesses to be deposed by phone or other audiovisual means rather than be physically present in the responding state. Current law explicitly exempts only the petitioner from the physical presence requirements. And the bill replaces current law's requirement that the testimony be given under oath with one requiring that it be made under penalty of perjury.

**(§§ 31(c), 42, 44, 46, 48) Registering Support and Income Withholding Orders**

The law requires that support orders be registered in the responding state before its tribunals can enforce or modify them. Currently, only the parties can send necessary registration documentation to Connecticut's registering agency (the Judicial Department's Support Enforcement Services Division or the BCSE). The bill also permits a child support enforcement agency to do so. When BCSE is the entity

requesting registration of a Connecticut-issued child support order, the bill requires it to make reasonable efforts to (1) ensure that this order is controlling or (2) if more than one child support order exists and no determination has been made as to which is controlling, to ensure that a determination request is made in an appropriate tribunal.

If a Connecticut child support enforcement agency requests registration and enforcement of a support order, arrears, or judgment stated in foreign currency, it must convert the amount into U.S. dollars using the publicly reported official or market exchange rate.

The bill permits a registered support or wage withholding order, or an order for which registration has been requested, to designate that collected funds be sent to an entity other than the party to whom the support is owed. When this occurs, the responding child support enforcement agency must also obtain or issue conforming child support and income withholding orders when the initiating state's support enforcement agency requests this.

When more than one child support order is claimed to be in effect, the bill requires the registrant to send the SES Division copies of all orders asserted to be currently in effect, specify which, if any, is the controlling order, and indicate the amount of consolidated arrears.

A registering party that claims that two or more orders are in effect and is requesting that a determination be made as to which order is controlling at the same time it is seeking registration must, under the bill, notify every party whose rights might be affected. The bill requires SES to also notify these parties. The notice must include: the identity of all orders and the order the registering person alleges to be controlling and the amount of consolidated arrears sought. The notice must also explain how its determination can be appealed.

Under existing law, a registered order is automatically confirmed if no timely challenge is made. If a the party against whom it is directed files a timely challenge, the bill specifies that the challenger must prove by a preponderance of the evidence any claim that the order alleged to

be controlling is not controlling.

***(§ 40(b, c)) Directing and Redirecting Payments When neither Party nor Child Live in Connecticut***

The bill creates a procedure for states to direct child support payments when neither party nor the child are residents. The child support enforcement agency must transmit the support collected to the support enforcement agency in the state where the obligee is receiving child support services and (2) issue and send the obligor's employer a conforming income withholding order if that state's enforcement agency requests it.

**BACKGROUND**

***UIFSA***

UIFSA's general purpose is to create uniform rules and procedures, simplifying child support enforcement when the parties live in different states. In some cases, its provisions supplant state laws. In others, they specify which state's procedural and substantive laws are controlling.

All states had enacted some form of UIFSA by 1998, due in part to a provision in the 1996 federal welfare law that restricted states' eligibility for matching federal child support enforcement funds to those states that had enacted it.

***Personal Jurisdiction***

In addition to general laws governing personal jurisdiction over out-of-state parties (long-arm statutes), UIFSA grants state courts personal jurisdiction when a person:

1. voluntarily agreed to come under the court's authority or waived the right to contest jurisdiction,
2. lived in the state with the child,
3. lived in the state and paid prenatal expenses or child support,
4. directed or took actions that resulted in the child living in the

state, or

5. engaged in an act of sexual intercourse in the state that may have led to the child's conception.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea    19    Nay   0    (03/22/2007)